

(2020) 09 SHI CK 0463

In the High Court Of Himachal Pradesh

Case No : Execution Petition No. 359 Of 2020

Bal Bahadur And Others

APPELLANT

Vs

State Of H.P. And Others

RESPONDENT

Date of Decision : 30-09-2020

Acts Referred:

Citation : (2020) 09 SHI CK 0463

Hon'ble Judges : Ajay Mohan Goel, J

Bench : Single Bench

Advocate : Babita Kumari, Sumesh Raj, Dinesh Thakur, Sanjeev Sood, Divya Sood

Final Decision : Disposed Of

Judgement

Ajay Mohan Goel, J

1. Notice. Mr. Sumesh Raj, learned Additional Advocate General accepts notice on behalf of the respondents.

2. With the consent of learned Counsel for the parties, this petition is taken up for consideration today itself.

3. By way of this petition, the petitioner has prayed for execution of the order passed by erstwhile learned Himachal Pradesh Administrative Tribunal in O.A. 235 of 2015, titled as Bal Bahadur and others v/s State of H.P. and others, dated 24.03.2015, which original application stood disposed of by the learned Tribunal in the following terms:-

"The learned Counsel for the applicant states at the very outset that the case of the father of the applicants (deceased employee) is squarely covered under judgment dated 17.03.2010, Annexure P-1, rendered by the Hon'ble High Court of Himachal Pradesh in CWP(T) No. 10220 of 2008 (OA No. 240/2004), titled Phool Maya versus State of H.P. & others.

The learned Additional Advocate General states that subject to verification of

records, if it is found that the applicants (deceased employee) was similarly situate as the petitioner in the aforesaid CWP(T) No. 10220 of 2008 (OA No. 240/2004), his case shall also be considered accordingly.

In view of the above, the original application is disposed of in terms of the aforesaid judgment dated 17.03.2010 (Annexure P-I), with a direction to the respondents, particularly respondent No. 3 that subject to the above verification of records and on finding the deceased employee to be similarly situate as above, benefit of the said judgment, if the same has attained finality and implemented, shall also be extended to the applicants alongwith consequential benefits, if any, as per law, without any discrimination, within three months from today."

4. Having heard learned Counsel for the parties, this execution petition is disposed of at this stage itself by directing that the order passed by learned Tribunal be implemented by the respondents in letter and spirit by 30th of November, 2020, if not already implemented. It is clarified that this Court has not expressed any view on the merit of the case. In case appropriate orders are not passed within four weeks, then the petitioner shall be at liberty to revive this execution petition by filing appropriate application in this regard.