

(2020) 09 SHI CK 0183

In the High Court Of Himachal Pradesh

Case No : Execution Petition No. 331 Of 2020

Hans Raj & Others

APPELLANT

Vs

State Of H.P. & Ors

RESPONDENT

Date of Decision : 07-09-2020

Acts Referred:

Himachal Pradesh (Original Side) Rules, 1997 — Rule 16

Citation : (2020) 09 SHI CK 0183

Hon'ble Judges : Sandeep Sharma, J

Bench : Single Bench

Advocate : Surinder Saklani, Sudhir Bhatnagar, Arvind Sharma

Final Decision : Disposed Of

Judgement

Sandeep Sharma, J

1. By way of present execution petition filed under Clause 16 of the H.P. High Court (Original Side) Rules, prayer has been made on behalf of the petitioners for implementation and execution of order/judgment dated 28.2.2019, passed by the Erstwhile H.P. State Administrative Tribunal in OA No. 734 of 2019, whereby the Tribunal below having taken note of the statement made by the learned counsel for the petitioners that their case is squarely covered by the judgment dated 21.04.2010, rendered by this Court in CWP(T) No.5253 of 2008 titled Narain Singh v. State of HP and Ors., as upheld vide common judgment dated 1.9.2015 in LPA No.146 of 2010, titled State of H.P. and ors. v. Narain Singh (a/ w connected matters) directed the respondents to consider the case of the applicants strictly in the light of aforesaid judgment and grant similar benefits to them, if they are found to be similarly situate within a period of three months from the date of production of certified copy of the order. Since no action, whatsoever, came to be taken at the behest of the respondents pursuant to aforesaid direction issued by the Tribunal, petitioner has approached this Court in the instant proceedings.

2. Mr. Arvind Sharma, learned Additional Advocate General, representing the respondents states that though he has every reason to presume and believe that by now, order/judgment alleged to have been violated must have been complied within its totality, but if not, same would be definitely complied with within a period of four weeks from today.

3. Consequently, in view of the above, learned counsel representing the petitioner seeks permission to withdraw the present petition, at this stage, with liberty to file afresh qua the surviving grievance(s), if any.

4. Consequently, in view of the fair stand adopted by the learned Additional Advocate General, this Court sees no reason to keep present petition alive and accordingly, same is disposed of with direction to the respondents to do the needful in terms of judgment alleged to have been violated within a period of four weeks, failing which petitioners would be at liberty to get the present petition revived so that appropriate action in accordance with law is taken against the erring officials.