

(2021) 01 SHI CK 0092
In the High Court Of Himachal Pradesh
Case No : Execution Petition No. 9 Of 2021

Madan Lal

APPELLANT

Vs

State Of H.P. And Others

RESPONDENT

Date of Decision : 05-01-2021

Acts Referred:

Persons With Disabilities (Equal Opportunities, Protection Of Rights And Full Participation) Act, 1995 — Section 2(1)

Citation : (2021) 01 SHI CK 0092

Hon'ble Judges : Sandeep Sharma, J

Bench : Single Bench

Advocate : Rakesh Kumar Sharma, Ajay Vaidya

Final Decision : Disposed Of

Judgement

Sandeep Sharma, J

Through Video Conferencing

1. By way of instant Execution Petition, prayer has been made on behalf of the petitioner for issuance of directions to the respondents to

implement/execute the judgment/order dated 09.1.2019, passed by erstwhile H.P. State Administrative Tribunal in OA No. 951 of 2018, titled Madan

Lal vs. State of H.P. and others, whereby learned Tribunal below while allowing the original application, having been filed by the petitioner, directed

the respondents to modify memorandum dated 29.03.2013 to the extent that the benefit of enhancement of retirement age is also extended to the

hearing impaired also to which category the applicant belongs from 58 to 60 years as specified under Section 2(1) of the Persons with Disabilities

(Equal Opportunities, Protection of Rights and Full Participation) Act, 1995.

2. Having heard learned Sr. Additional Advocate General and perused the material available on record, this Court finds that aforesaid judgment

rendered by Tribunal below was laid challenge before the Division Bench of this Court by way of CWP No. 1577 of 2018, but the same was

dismissed vide judgment dated 5.11.2018. Though, aforesaid judgment passed by the Division Bench of this Court was taken in appeal before the

Honâ??ble Apex Court, but the same was also dismissed.

3. Otherwise also, perusal of the reply filed by the respondents clearly reveals that judgment sought to be implemented/executed in the case at hand

was not being implemented on account of pendency of appeal before the Honâ??ble Apex Court. Apart from above, another ground, which has been

raised for not implementing the judgment sought to be executed in the instant proceedings is that Government has already withdrawn notification.

Since, appeal having been filed by the State has been dismissed by Honâ??ble Apex Court, judgment sought to be executed in the instant proceedings

has attained finality and as such, respondents have no option, but to implement the same.

4. Faced with aforesaid situation, learned Sr. Additional Advocate General prays for and is granted 6 weeksâ?? time to do the needful in terms of

judgment sought to be executed in the instant proceedings. Having taken note of aforesaid undertaking given by learned Sr. Additional Advocate

General, there appears to be no justification to keep the present petition alive and same is accordingly disposed of with the direction to the respondents

to do the needful expeditiously, preferably within a period of six weeks, failing which, petitioner would beat liberty to get the present proceedings

revived, so that appropriate action, in accordance with law, is taken towards implementation of the judgment/order, sought to be executed in the instant

proceedings.