

(2020) 08 SHI CK 0145
In the High Court Of Himachal Pradesh
Case No : Execution Petition No. 317 Of 2020

Rakesh Kumar

APPELLANT

Vs

Managing Director Of Himachal Road Transport Corporation &
Another

RESPONDENT

Date of Decision : 17-08-2020

Acts Referred:

Himachal Pradesh (Original Side) Rules, 1997 — Rule 16(1)

Citation : (2020) 08 SHI CK 0145

Hon'ble Judges : Sandeep Sharma, J

Bench : Single Bench

Advocate : Varun Chandel, Shubh Mahajan

Final Decision : Disposed Of

Judgement

Sandeep Sharma, J

1. By way of instant Execution Petition filed under Rule 16(1) of the H.P. High Court Original Side Rules, prayer has been made on behalf of the

petitioner for issuance of directions to the respondents to implement/execute the judgment/order dated 30.8.2018, passed by the Erstwhile H.P. State

Administrative Tribunal in OA No.5225 of 2018, titled as Rakesh Kumar versus Managing Director of Himachal Road Transport Corporation and another.

2. Careful perusal of aforesaid order/judgment, alleged to have been violated, (Annexure EÂ2), reveals that learned Tribunal below having taken note

of the statement made by learned counsel representing the petitioner that the case of the petitioner is squarely covered under the judgment dated

17.7.2014 rendered by this Court in CWP No.3050 of 2014, titled Nek Ram versus State of Himachal Pradesh and others, disposed of the original

application with a direction to the respondents/competent authority to grant benefit of aforesaid judgment to the petitioner, if he is found to be similarly situate, within a period of three months from the date of production of certified copy of the order/judgment. Since despite there being specific direction to do the needful within a period of three months, respondents have failed to grant the benefit to the petitioner in terms of the judgment passed by this Court in Nek Ramâ??s case supra, petitioner has approached this Court in the instant proceedings.

3. Ms. Shubh Mahajan, learned counsel representing the respondents while accepting notice on behalf of the respondents, states that though she has every reason to believe and presume that by now aforesaid judgment/order alleged to have been violated, must have been complied with, but if not, same would be complied with within a period of three weeks from today.

4. Consequently, in view of the fair statement made by learned counsel representing the respondents, this Court sees no reason to keep the present petition alive and as such, same is accordingly disposed of with the direction to the respondents to do the needful in terms of judgment/order dated

30.8.2018 passed by learned Tribunal below in OA No. 5225 of 2018, positively within a period of three weeks, if not already done, failing which,

petitioner would be at 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.