
(2020) 10 SHI CK 0083
In the High Court Of Himachal Pradesh
Case No : Execution Petition No. 409 Of 2020

Ramesh Chand

APPELLANT

Vs

State Of H.P.& Others

RESPONDENT

Date of Decision : 09-10-2020

Acts Referred:

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

Citation : (2020) 10 SHI CK 0083

Hon'ble Judges : Sandeep Sharma, J

Bench : Single Bench

Advocate : A.K.Gupta, Sudhir Bhatnagar, Kunal Thakur

Final Decision : Disposed Of

Judgement

Sandeep Sharma, J

1. By way of instant Execution Petition filed under Rule 16 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 9.1.2019, passed by erstwhile H.P. State Administrative Tribunal in OA No.7485 of 2018, titled as Ramesh Chand versus The State of Himachal Pradesh and others.

2. Careful perusal of aforesaid order/judgment (Annexure E-1) alleged to have been violated, 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 passed by Hon'ble Supreme Court of India in Mool Raj Upadhyaya versus State of H.P. and others, reported in 1994 Supp.(2) SCC 316, 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 two months from today. Since, despite there being specific direction to do the needful within a period of two months, respondents have failed to grant

the benefit to the petitioner in terms of the judgment passed by Hon'ble Apex Court in Mool Raj Upadhyaya case supra, petitioner has approached this Court in the instant proceedings.

3. Mr. Sudhir Bhatnagar, learned Additional Advocate General, while accepting notice on behalf of the respondents, states that though he 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 four weeks from today.

4. Consequently, in view of the fair statement made by learned Additional Advocate General, 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 9.1.2019, passed by learned Tribunal below in OA No. 7485 of 2018, positively within a period of four 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.