

(2021) 01 SHI CK 0199
In the High Court Of Himachal Pradesh
Case No : Execution Petition No.18 Of 2021

Surinder Kumar

APPELLANT

Vs

Himachal Road Transport Corporation And Others

RESPONDENT

Date of Decision : 07-01-2021

Acts Referred:

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

Citation : (2021) 01 SHI CK 0199

Hon'ble Judges : Sandeep Sharma, J

Bench : Single Bench

Advocate : Rakesh Kumar Dogra, 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 9.10.2018, passed by erstwhile H.P. State

Administrative Tribunal in OA(M) No.678 of 2018, titled as Surinder Kumar vs. Himachal Road Transport Corporation and others.

2.Careful perusal of aforesaid order/judgment (Annexure P-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 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 Ram'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 eight 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

9.10.2018, passed by learned Tribunal below in OA (M) No. 678 of 2018, positively within a period of eight 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.