

(2021) 01 SHI CK 0085
In the High Court Of Himachal Pradesh
Case No : Execution Petition No. 7 Of 2021

Vinod Kumar

APPELLANT

Vs

HPSEBL And Another

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 0085

Hon'ble Judges : Sandeep Sharma, J

Bench : Single Bench

Advocate : Rakesh Kumar Sharma, Lakshay Thakur

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 3.1.2019, passed by erstwhile H.P. State Administrative Tribunal in OA No. 3598 of 2018, titled Vinod

Kumar vs. HPSEBL and another, 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 counsel representing the respondents 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for not implementing the judgment sought to be executed in the instant proceedings is that Government has already withdrawn notification.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, Mr. Lakshay Thakur, learned counsel representing the respondents, 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

counsel representing the respondents, 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 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.