



**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

Date of decision: 08.09.2025
CR-6217-2025 (O&M)

137-3 cases

Punjab State Civil Supplies Corporation Ltd. (PUNSUP) ...Petitioner
V/s
Joginder Singh and another ...Respondents

II) CR-6229-2025 (O&M)

Punjab State Civil Supplies Corporation Ltd. (PUNSUP) ...Petitioner
V/s
Joginder Singh and another ...Respondents

III) CR-6252-2025 (O&M)

Punjab State Civil Supplies Corporation Ltd. (PUNSUP) ...Petitioner
V/s
Joginder Singh and another ...Respondents

CORAM : HON'BLE MR. JUSTICE VIKRAM AGGARWAL

Present: Mr. Birinder Pal, Advocate, for the petitioner(s).

VIKRAM AGGARWAL, J (ORAL)

This order shall dispose of three revision petitions, all assailing order dated 25.07.2025 (Annexure P-10) passed by the Court of Additional District Judge, Patiala, vide which the application(s) (Annexure P-6) for hearing of the appeals and the application(s) for stay of the judgment and decree dated 16.10.2023 were rejected.

2. The facts shall be primarily derived from CR-6217-2025.
3. The facts, as emanating from the revision petition, are that a suit for declaration was filed by the respondents-plaintiffs which was decreed vide judgment and decree dated 16.10.2023;

“This court is of the considered view that the suit filed by the Plaintiff succeeds and same is hereby decreed with costs and it is held that Impugned order dated 24.08.2010 (Ex P-7) is set aside being illegal,



arbitrary, null and void and further minutes of meeting of the Appellate committee held on 10.09.2015(Ex P-14) is also set aside qua Plaintiff only. It is hereby directed to the Defendants-Department to treat the plaintiff as retired w.e.f. 31.01.2008 and to release the retiral benefits i.e. death-cum-retirement gratuity, leave encashment along with arrears. The defendants are further directed to make payment alongwith arrears accruing due on this account to plaintiff within three months of receiving the certified copy of this order failing which the plaintiff shall be entitled to interest at the rate of 9% p.a. from the date of accrual till realization. Decree sheet be prepared. File be consigned to the record room.”

4. Aggrieved by the said judgment and decree, an appeal (Annexure P-3) was preferred within a period of limitation. During the pendency of the appeal, execution proceedings were initiated by the decree-holders. Under the circumstances, the judgment-debtor i.e. the present petitioner filed an application for early hearing of the appeal and for stay (Annexure P-6). Vide order dated 02.07.2025 (Annexure P-7), notice in the application was issued for 25.07.2025. Since the execution proceedings were going on, the petitioner preferred CR Nos.4569, 4571 and 4574 of 2025, in which, it was submitted that the application for early hearing of the appeal was pending for 25.07.2025. Under the circumstances, the executing Court was called upon to defer the proceedings beyond the date fixed by this Court, which was fixed as 30.07.2025. Ultimately, after the passing of the order dated 25.07.2025, the revision petitions were withdrawn.

5. By way of the impugned order, the first Appellate Court i.e. the Court of Addl. District Judge, Patiala, rejected the prayer for stay whereas, the prayer for early hearing of the appeal was allowed and the matter was fixed for arguments on 04.08.2025.

6. Learned counsel for the petitioner(s) informs the Court that on 04.08.2025, the Bar was abstaining from work as a result of which, the appeal was adjourned to 18.08.2025. On the said date, the Presiding Officer was not



CR-6217-2025 (O&M) and connected cases -3-

holding the Court as a result of which, the matter was adjourned to 01.10.2025. Learned counsel submits that however, in the meantime, execution proceedings are going on and warrants of attachment have been issued. Learned counsel submits that in case, the decree is executed, grave prejudice shall be caused to the rights of the petitioner. Learned counsel submits that the Court of Additional District Judge, Patiala erred in rejecting the application for stay despite the first appeal having been filed in time. He submits that the first Appellate Court is the last Court of facts and is bound to consider the matter on facts as also on law. Learned counsel submits that no delay shall be caused by the petitioner in addressing arguments in the appeal but prays that till the appeal is decided, the execution proceedings be kept in abeyance.

7. I have considered the submissions made by learned counsel for the petitioner.

8. The Additional District Judge, Patiala declined the prayer for stay on the ground that the decree holders had got justice after many years and, therefore, no ground was made out to stay the operation of the judgment and decree in hand. This, in the considered opinion of this Court, would not at all be a valid reasoning much less a legal reasoning to deny stay that too in first appeal. No doubt, the decree was as regards retiral benefits. However, it has to be borne in mind that rights of both sides are equally important and due opportunity has to be granted to both sides to make out their case.

9. That being so, the instant revision petitions are disposed of with a direction to the Court of Addl. District Judge, Patiala to hear the appeals on the date fixed i.e. 01.10.2025 or on any other date as per the schedule of the said Court but not as per the convenience of the parties to the *lis*. However,



CR-6217-2025 (O&M) and connected cases -4-

till a decision is arrived at and the appeals are finally decided, execution proceedings shall remain in abeyance.

10. The revision petitions are accordingly disposed of.

Pending application(s), if any, shall also stand disposed of.

(VIKRAM AGGARWAL)
JUDGE

September 08, 2025

vchgarg

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No