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

1. RSA-3330-1996
Date of decision: 16.01.2025

Gurcharan Singh

...Appellant

Versus

State of Punjab and others

...Respondents

2. RSA-3266-1996
Date of decision: 16.01.2025

State of Punjab and others

...Appellants

Versus

Gurcharan Singh

...Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: None for the appellant (In RSA-3330-1996)
None for the respondent (In RSA-3266-1996)

Mr. Amit Chaudhary, DAG, Punjab
for the respondents (In RSA-3330-1996)
for the appellants (In RSA-3266-1996)

VIKAS BAHL, J. (ORAL)

1. By this common order, two appeals i.e., RSA Nos.3330 and
3266 of 1996 shall stand disposed of.

RSA-3330-1996



1. The plaintiff-Gurcharan Singh had filed a suit against State of Punjab for declaration to the effect that he was entitled to the promotion as D.P.E. and grade of D.P.E. w.e.f. 01.04.1977. Other prayers have also been made in the present case. The said suit was instituted on 22.08.1988 and was decreed vide judgment dated 20.08.1994. Appeal against the same was filed by the State of Punjab and other defendants and the First Appellate Court vide judgment dated 13.08.1996 had partly accepted the same and decree of the trial Court was modified in the following terms:-

“11. From the above discussion I am of the view that appeal is partially acceptable. Decree of the ld. trial Court is modified. It is held that plaintiff is entitled to declaration that he is entitled to be granted grade of DPE from the date of filing three years and two months earlier to the filing of the suit. He shall not be entitled to any interest. Decree of the trial court is accordingly modified. Appeal is disposed of accordingly. Decree sheet be prepared.”

2. Both the plaintiff as well as the State of Punjab have filed the appeals. In neither of the two appeals, there is any stay order and learned State Counsel has submitted that in all probability, the respondent has retired.

3. Today, no one has put in appearance on behalf of the appellant-Gurcharan Singh. Accordingly the present appeal i.e., RSA-3330-1996 is dismissed for non-prosecution. Liberty is however granted to the appellant-Gurcharan Singh to revive the appeal in case any cause survives to him.

RSA-3266-1996

1. Learned State Counsel has submitted that since the appeal filed



by the respondent-plaintiff-Gurcharan Singh has been dismissed for non-prosecution, thus, the present appeal be also disposed of as having been rendered infructuous but liberty be granted to the appellant-State to revive the same in case the appeal filed by the respondent-plaintiff-Gurcharan Singh is restored or any cause of action arises in future.

2. In view of the above, the present appeal i.e., RSA-3266-1996 is disposed of as having been rendered infructuous with liberty aforesaid.

16.01.2025

Pawan

(VIKAS BAHL)
JUDGE

Whether speaking/reasoned:-

Yes/No

Whether reportable:-

Yes/No