



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

202

RSA-1434-1996

Decided on: 25.02.2025

M. C. Malerkotla and another

. . . Appellants

Versus

Mohd. Hanif and another

. . . Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

**PRESENT: Mr. Saksham Khunger, Advocate
for the appellant.**

VIKAS BAHL, J.(ORAL)

1. The respondent No.1-plaintiff had filed the suit in the year 1991 for declaration vide which he had made challenge to the order passed by the appellant No.1 vide which the appellant No.1 had retired the plaintiff at the age of 58 years. It is the case of the plaintiff that he should have been retired at the age of 60 years. The appeal filed by the present appellants was dismissed. On 14.06.1996, a Coordinate Bench of this Court while issuing notice of motion, was pleased to stay the operation of the impugned judgment. Vide order dated 30.08.1996, at the time of admitting the matter, the order was modified only to the extent that the pension as well as retiral benefits of the respondent No.1 be released as if he had retired at the age of 58 years.

2. None had appeared on behalf of the respondents on the last two dates.

3. As per the office report, respondent No.1 has expired.



4. Learned counsel for the appellant has submitted that inspite of the best efforts, he has not been able to get in touch with the respondent No.1 nor the respondent No.1 or his legal representatives have approached the concerned office to claim any right under the judgment and decree and thus, he prays that the present appeal may be disposed of at this stage but liberty may be granted to the appellant to revive the appeal, in case, the legal representatives of the respondent No.1 approach the concerned office for implementaion of the judgment.

5. In view of the above, the present appeal is disposed of at this stage with the aforesaid liberty.

6. Liberty is also granted to the legal representatives of the respondent No.1 to revive the appeal, in case, any cause of action survives.

25.02.2025

Mehak

*Whether reasoned/speaking?
Whether reportable?*

*Yes/~~No~~
~~Yes~~/No*

**(VIKAS BAHL)
JUDGE**