

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

Execution Petition No.356 of 2020

Date of Decision: 30.9.2020

Gulab Singh

.....Petitioner

Versus

State of Himachal Pradesh and others

..... Respondents

Hon'ble Mr. Justice Sandeep Sharma, Judge.

Whether approved for reporting? ¹

For the Petitioner : Mr. A.K.Gupta, Advocate, through video-conferencing

For the Respondents : Mr. Sudhir Bhatnagar and Mr. Arvind Sharma, Additional Advocate Generals with Mr. Kunal Thakur, Deputy Advocate General, through video-conferencing.

Sandeep Sharma, Judge (oral):

By way of instant Execution Petition filed under Rule 16 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 15.09.2017, passed by erstwhile H.P. State Administrative Tribunal in OA No.2508 of 2017, titled as **Gulab Singh vs. The State of H.P and others.**

2. Careful perusal of aforesaid order/judgment 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 24.09.2014

¹Whether the reporters of the local papers may be allowed to see the judgment?

rendered by this Court in CWP No.7140 of 2012, titled as ***Gian Singh 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 two months from today. Since, despite there being specific direction to do the needful within a period of two months, respondents have failed to grant the benefit to the petitioner in terms of the judgment passed by this Court in ***Gian Singh's case supra***, petitioner has approached this Court in the instant proceedings.

3. Mr. Sudhir Bhatnagar, learned Additional Advocate General while accepting notice on behalf of the respondents, states that though he 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 three weeks from today.

4. Consequently, in view of the fair statement made by learned Additional Advocate General, 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 15.09.2017 passed by learned Tribunal below in OA No. 2508 of 2017, positively within a period of three 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.

**(Sandeep Sharma),
Judge**

September 30,2020
(shankar)