

Nanda Kumari vs. State of H.P.

Ex. Petition No.242 of 2021

2.06.2022 Present Mr. Abhyendra Gupta, Advocate, for the petitioner.

Mr. Sudhir Bhatnagar and Mr. Narender Guleria, Additional Advocate Generals, the respondents-State.

By way of instant execution petition, prayer has been made on behalf of the petitioner to issue direction to the respondents to implement/execute the order dated 14.3.2019, passed by erstwhile H.P. Administrative Tribunal in OA(M) No.97 of 2019, titled *Smt. Nanda Kumari vs. State of Himachal Pradesh and others*, whereby original application having been filed by the petitioner came to be disposed of with the direction to the respondents to consider and decide the case of the petitioner in light of the judgment rendered by this Court in CWP No.5799 of 2017, titled ***Budh Bahadur Vs. The State of H.P. & others***. Since no steps, if any, ever came to be taken at the behest of the respondents for implementation/execution of the order/ judgment passed by tribunal below, petitioner was compelled to approach this Court in the instant proceedings.

Compliance affidavit placed on record by the respondents reveals that direction issued in the order sought to be executed has been not complied with for the reason that State has filed LPA No. 60 of 2022 against the judgment dated 2.4.2015 passed by this Court in CWP No.5799 of 2014, titled Budh Bahadur vs. The State of H.P. & Others. However, during the proceedings of the case it transpired that LPA No. 60 of 2022

stands dismissed by Division Bench of this Court vide judgment dated 21.4.2022 and as such, respondents have no option but to implement/execute the order/ judgment forthwith.

Faced with aforesaid situation, learned Additional Advocate General prays for and is granted two weeks' time to do the needful, failing which, respondent shall remain present in Court on the next date of hearing to explain that why property of the department and salary of erring official be not ordered to be attached for non-compliance of the order/judgment sought to be executed.

List on 24.6.2022.

(Sandeep Sharma)
Judge

2nd June, 2022
(shankar)