

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NOS. _____ OF 2022
(Arising out of SLP(C) Nos. _____ of 2022)
[Diary No. 16103 of 2017]

THE STATE OF PUNJAB & ORS.

Appellant(s)

VERSUS

MAJOR SINGH

Respondent(s)

O R D E R

Leave granted.

These appeals take exception to the judgment and orders dated 22.09.2015 and final order dated 03.10.2016 passed by the High Court of Punjab and Haryana at Chandigarh in Civil Revision No. 6282 of 2014 and R.A. No. 185-III of 2016 respectively.

The respondent had filed a suit for declaration to the effect that order dated 01.03.1999 passed by the Senior Superintendent of Police, Faridkot dismissing him from service with effect from 01.03.1999, as illegal.

The respondent finally succeeded in that suit and for which he resorted to execution proceedings. In the execution proceedings, the respondent sought relief, which was referable to the order dated 09.07.1998

passed by the Deputy Inspector General of Police, Faridkot Range, Faridkot bearing order No. 6097/FD-II dated 09.07.1998 directing that the period spent by the respondent not on duty may be treated as non-duty period between 30.10.1992 and 09.07.1998. Admittedly, respondent never challenged this order. The fact that the respondent finally succeeded in the suit and the High Court while setting aside order dated 01.03.1999 also directed that the respondent will be entitled to all consequential benefits by itself, cannot be the basis to undo the effect of order dated 09.07.1998.

In that sense, the relief now claimed before the Executing Court by the respondent is not relatable to the order dated 01.03.1999 declared as illegal in the suit proceedings but transcends beyond the same.

Accordingly, the Executing Court could not have granted relief in that regard. However, considering the nature of the dispute and that the respondent had finally succeeded not only in the suit but also in the criminal proceedings initiated against him, to do substantial justice to the parties, we direct the State to pay fifty per cent of the salary for the period between 30.10.1992 and 09.07.1998 covered under the order dated 09.07.1998 passed by the Deputy

Inspector General of Police, Faridkot Range, Faridkot bearing order No. 6097/FD-II, treating him as having spent that period as on duty. The other relief of consequential benefits is already granted in terms of the decree, which may follow and be given to the respondent, if already not given so far - as the State is not questioning that part of the decree before this Court.

In other words, the subject decree shall stand satisfied upon payment of fifty per cent of the amount payable towards salary for the period between 30.10.1992 and 09.07.1998, being payable for the relevant period. That be paid within four weeks from today.

The appeals are disposed of in the above terms.
No costs.

Pending applications, if any, stand disposed of.

.....,J.
(A.M. KHANWILKAR)

.....,J.
(ABHAY S. OKA)

NEW DELHI
APRIL 25, 2022.

ITEM NO.40

COURT NO.3

SECTION IV-B

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

SPECIAL LEAVE PETITION (CIVIL) Diary No(s). 16103/2017

(Arising out of impugned final judgment and order dated 22-09-2015 in CR No. 6282/2014 03-10-2016 in RA No. 185/2016 passed by the High Court Of Punjab & Haryana At Chandigarh)

THE STATE OF PUNJAB & ORS.

Petitioner(s)

VERSUS

MAJOR SINGH

Respondent(s)

IA No. 48792/2017 - CONDONATION OF DELAY IN FILING

IA No. 48793/2017 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

Date : 25-04-2022 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE A.M. KHANWILKAR

HON'BLE MR. JUSTICE ABHAY S. OKA

For Petitioner(s) Mr. Ajay Garg, Adv.
Ms. Tripti Gola, Adv.
Ms. Prashi Tyagi, Adv.
Mr. Harjot Singh, Adv.
Ms. Ranjeeta Rohatgi, AOR
Ms. Samten Doma, Adv.

For Respondent(s) Ms. Haripriya Padmanabhan, Adv.
Ms. Pooja Dhar, AOR
Mr. Pratul Pratap Singh, Adv.
Ms. Tanya Srivastava, Adv.

UPON hearing the counsel the Court made the following
O R D E R

Delay condoned.

Leave granted.

The appeals are disposed of in terms of the signed order.

Pending applications, if any, stand disposed of.

(DEEPAK SINGH)
COURT MASTER (SH)

(VIDYA NEGI)
COURT MASTER (NSH)

[Signed order is placed on the file]