



Jaswant Singh Pathania v. State

Ex.PT No. 1 of 2023

3.4.2023 Present: Mr. Shubham Sood, Advocate, for the petitioner.

Mr. Anup Rattan, Advocate General with Mr. Rajan Kahol, Mr. Vishal Panwar and Mr. B.C. Verma, Additional Advocates General with Mr. Rahul Thakur and Mr. Ravi Chauhan, Deputy Advocates General, for the respondents-State.

By way of instant execution petition, prayer has been made by the petitioner for execution and implementation of directions contained in the judgment dated 18.11.2021, passed by this Court in CWPOA No. 507 of 2019, whereby direction came to be issued to the respondents to grant benefit of pay fixation in terms of Rule 5 of the Rules, 1972 against the post of Lecturer from the due date. Since no steps, if any, ever came to be taken at the behest of the respondents, petitioner has approached this Court in the instant proceedings for execution and implementation of the judgment sought to be executed.

Pursuant to notice issued in the instant proceedings, respondents have filed the compliance affidavit, wherein it has been stated that since judgment sought to be executed has been laid challenge in the LPA, direction contained in the judgment cannot be complied with.

While fairly acknowledging the factum with regard to filing of LPA, learned counsel for the petitioner states that though LPA filed by the petitioner was listed before the Division Bench of this Court, but since no stay was granted against the

judgment, respondents have no option but to implement the judgment.

Though having taken note of the fact that judgment sought to be executed was passed on 18.11.2021 and no stay order has been granted in the LPA filed by the respondents, this Court would have straightaway passed order of attachment of the property of the department and salary of the erring officials, but on the vehement request of learned Additional Advocate General for the respondents, two weeks' more time is granted to the respondents to comply with the mandate contained in the judgment alleged to have been violated, failing which respondents shall remain present on **21.4.2023**, to explain that why their salary and property of the department be not attached towards execution and implementation of the judgment alleged to have been violated.

April 3, 2023

Manjit

**(Sandeep Sharma),
Judge**