

TITEM NO.109

COURT NO.9

SECTION IV

S U P R E M E C O U R T O F I N D I A  
RECORD OF PROCEEDINGS

CIVIL APPEAL NO(s). 3854 OF 2006

STATE OF PUNJAB & ANR.

Appellant (s)

VERSUS

PARKASH CHAND (D) TH. LRS.

Respondent(s)

(With appln(s) for stay and office report)

Date: 10/03/2011 This Appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE B. SUDERSHAN REDDY  
HON'BLE MR. JUSTICE SURINDER SINGH NIJJAR

For Appellant(s)

Mr. Kuldip Singh, Adv.  
Mr. R. K. Pandey, Adv.  
Mr. H. S. Sandhu, Adv.

Mr. Ajay Pal, Adv.

For Respondent(s)

Mr. R. K. Kapoor, Adv.  
Mr. H. C. Pam, Adv.  
Mr. Anis Ahmed Khan, Adv.

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

The appeal is dismissed in terms of the signed order  
with no orders as to costs.

(NIDHI CHUGH)  
Sr. P.A.

(RENUKA SADANA)  
Court Master

(Signed order is placed on the file.)

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 3854 OF 2006

STATE OF PUNJAB & ANR.

...Appellant (s)

VERSUS

PARKASH CHAND (D) TH. LRS.

...Respondent(s)

O R D E R

The respondent (since deceased) Parkash Chand  
Patwari filed the suit for declaration that the order of  
premature retirement passed against him was illegal and  
ineffectual. The suit was dismissed. The appeal preferred

by him was allowed as early as on 26.02.1983 and the suit was accordingly decreed. Being aggrieved by the same, the appellant State preferred second appeal. The High court on elaborate consideration of the matter set aside the order of premature retirement.

Not only has the respondent retired from the services but also has died during the pendency of the proceedings. In the circumstances, we are not inclined to interfere with the judgment of the High Court. Even otherwise, we do not find any infirmity in the judgment of the appellate court. The appeal is stale and is, accordingly, dismissed with no orders as to costs.

....., J.  
[B. SUDERSHAN REDDY]

....., J.  
[SURINDER SINGH NIJJAR]

NEW DELHI;  
MARCH 10, 2011.