

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. 6050 OF 2005

HIRA SINGH THAKUR AND ORS.

Appellant (s)

VERSUS

STATE OF H.P. AND ORS.

Respondent(s)

(With office report)

Date: 13/09/2011 This Appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE D.K. JAIN
HON'BLE MR. JUSTICE ASOK KUMAR GANGULY

For Appellant(s)

Ms. Seema Rewal Issar, Adv.
for Mrs. Revathy Raghavan, Adv.

For Respondent(s)

Mr. Naresh K. Sharma, 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 order as to costs.

(VINOD LAKHINA)
Court Master

(KUSUM GULATI)
Court Master

(SIGNED ORDER IS PLACED ON THE FILE)
IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 6050 OF 2005

HIRA SINGH THAKUR AND ORS.

...PETITIONER

VERSUS

STATE OF H.P. AND ORS.

...RESPONDENTS

ORDER

We have heard learned counsel for the
parties.

Having carefully perused the impugned judgment with the assistance of learned counsel appearing for the parties, we are of the opinion that this appeal is bereft of any merit. It is clear from the order of the High Court that the claim preferred by the appellants herein with regard to the consequential benefits accruing to them by virtue of Tribunal's order dated 7th August, 1995 in O.A. No. 216 of 1994 have already been granted to them. While dismissing the writ petition filed by the State against the order of the Tribunal, the High Court has held as follows:

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...2/-

"Suffice to say that the consequential benefits accruing to the Respondents No. 2 to 4 have been specified by them in their petition made for execution/enforcement of the order dated 7.8.1995. While resisting such execution petition the Petitioners have justified their act either in the partial grant of the benefits or the non-grant of benefits or their part. It was never the case of the Petitioners before the Tribunal that the consequential benefits claimed did not arise out of the order dated 7.8.1995.

It is also to be noticed that the consequential benefits being disputed by the petitioners were never refused by them, rather such benefits were partially allowed by them. Having themselves allowed/released partial benefits, it is not open to the Petitioners to contend that such benefits do not arise out of the order dated 7.8.1995 of the Tribunal."

It is manifest from the afore-extracted paragraph that whatever consequential benefits were prayed for by the appellants in their writ petition were granted by the Tribunal. This order stands confirmed by the High Court with the dismissal of

the writ petition vide order dated 27th August, 2003.

We may also note that insofar as the question of applicability of Rule 9A of the Himachal Pradesh Administrative Service Rules, 1973

(for short "the Rules") is concerned, it is stated

...3/-

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before us by the learned counsel that the claim of the appellants is not founded on the said rule.

It is, however, submitted that, in fact, the appellants are seeking further relief in terms of Rule 6 read with Rules 18 and 2(e) of the Rules.

Having glanced through the grounds urged by the appellants in their writ petition and the impugned order, it is clear to us that no such plea was urged by the appellants before the High Court.

Accordingly, we decline to go into the issue. In

view of the above, no ground is made out for our interference with the well reasoned judgment rendered by the High Court. The appeal is dismissed accordingly with no order as to costs.

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(D.K. JAIN, J.)

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(ASOK KUMAR GANGULY, J.)

NEW DELHI
SEPTEMBER 13, 2011