

Dated: 23.04.2019

Present: Sri S.K.Jain, Counsel
for the petitioner- executioner.
Sri V.P.Devrani, A.P.O., for Respondents/O.Ps.

The claim petition no. 34/SB/14 was filed by the petitioner-executioner before this Tribunal. The same was decided on 02.04.2018. Operative portion of the Judgment reads as under:

“Accordingly, the claim petition is allowed. The petitioner be granted the benefit of first financial up-gradation from 11.08.2013 including retiral benefits and monthly pension etc. from the date of his retirement on 31.12.2013 within a period of 12 weeks from the date of presentation of certified copy of the order before respondent nos. 2 & 3.”

Compliance report has been filed on behalf of respondents to show that the order sought to be executed has been complied with.

Ld. Counsel for the petitioner submitted that the petitioner has been granted benefit of final up-gradation including retiral benefits and monthly pension etc., from the date of his retirement, but the said benefit has not been given within a period of 12 weeks from the date of presentation of certified copy of the order before respondent nos. 2 & 3, as directed by this Tribunal vide order dated 02.04.2018.

In the circumstances, this Court is inclined to hold that although this execution application should be disposed of for full satisfaction, but at the same time, a fresh cause of action has arisen to the petitioner, for which, he should be granted liberty to file the fresh claim petition, in accordance with law.

Order accordingly.

The execution application is, accordingly, disposed of, with liberty, as above.

A.S.NAYAL
MEMBER(A)

JUSTICE U.C.DHYANI
CHAIRMAN