

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

CR No.7164 of 2015 (O&M)

Date of decision: 16.11.2015

The State of Punjab and others

...Petitioners

versus

Rajinder Singh Viridi

...Respondent

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. P.S. Mattewal, Addl. A.G., Punjab,
for the petitioners.

Mr. Parveen Chauhan, Advocate,
for the caveator-respondent.

RITU BAHRI, J.

Challenge in this petition is to the order dated 07.08.2015 (Annexure P-6) passed by the Civil Judge (Senior Division), Roopnagar (executing Court), whereby objections filed by the judgment debtors-petitioners during execution of the judgment and decree dated 19.11.2009 have been dismissed.

Perusal of the judgment and decree dated 19.11.2009 (Annexure P-1) shows that the objections raised by the Audit Department vide Endst. No.1308 dated 19.10.2005 has been considered and no direction has been given by the trial Court for recovery of arrears of pay on account of wrong fixation of pay. This was the main objection raised by the petitioners before the executing Court. The trial Court has observed that it was admitted by Tarsem Chand, SDO (DW-1) that Ex.P34 was in relation to fixation of pay of one Sudesh Kumar Jain, JE, who on completion of 8 years had been given the pay scale of Rs.2200-3900 w.e.f. 01.01.1986.

The plaintiff-respondent (decree holder) had retired after rendering 30 years of service. The policy with regard to fixation of pay had undertaken a change on 24.04.2001 and the employees were granted two proficiency step up increments, one w.e.f. 01.01.1986 in the pay scale of 2200-3900 and the other after completion of 18 years w.e.f. 01.01.1996. The plaintiff-respondent was held entitled to 8 years proficiency step up w.e.f. 01.01.1986. He was further held entitled to 24 years proficiency step up and revised pay scale w.e.f. 01.01.1996. The trial Court has also held that the Internal Audit dated 19.10.2005, which pointed out that pay of the plaintiff had been wrongly fixed, has been rejected, as the re-fixation vide letter dated 24.10.2007 issued by Executive Engineer, Canal Lining Division No.1, Bathinda, was as per the proficiency step up after attaining/completion of 8, 18 and 24 years as per Ex.D4.

Once the trial Court had rejected the objection dated 19.10.2005 and no direction for recovery had been given, the impugned order dated 07.08.2015 dismissing the objections of the judgment debtors-petitioners, does not require any interference.

Dismissed.

16.11.2015
ajp

(RITU BAHRI)
JUDGE