

120.

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

Civil Revision No.2309 of 2016

Date of decision:31.03.2016

State of Punjab and others

... Petitioners

versus

Samual Dass Randhawa

.... Respondent

CORAM: HON'BLE MR. JUSTICE K. KANNAN

Present: Ms. Vandana Malhotra, Additional Advocate General,
Punjab.

1. Whether reporters of local papers may be allowed to see the judgment ? No.
2. To be referred to the reporters or not ? No.
3. Whether the judgment should be reported in the digest ?No.

K.Kannan, J. (Oral)

1. The plaintiff had secured a decree, seeking for re-fixation of his salary only after his retirement. His contention was that before joining the Punjab Police on 13.03.1989, he had served in the Army for 24 years and his services included 4 years during emergency entitling him to secure 4 increments during that period. Through the decree passed by the appellate court, his basic salary at the time of joining police service was directed to be protected. This meant that against the salary originally fixed at ₹1,000/-, he was to be fixed at a basic salary of ₹1,295/-. The further increments which the decree contemplated, according to the decree holder were to be

worked out on ₹1,295/- and not on ₹1,000/- as originally fixed. The Government's contention was that the increments have been worked out only by taking ₹1,000/- as the basic pay and that ought to be taken as in compliance of the decree. The Executing Court rejected the objections taken by the State that they had paid amounts in excess and allowed for further process in execution.

2. I find the decision of the Executing Court to be correct and in conformity with the correct reading of the judgment and decree. If the basic pay in the Army at the time he left the service was to be protected, that alone ought to be taken as the salary on his induction in the police service and the increments ought to have been made on such a protected salary and not on the amount which was treated as a basic salary for that post. The rejection of the objections by the court below is sustained and the civil revision is dismissed. The State shall be at liberty to rework the correct amount and present a memo of calculation before the Executing Court on the line of reasoning adopted above and point out to the exact amount which is due and payable and the court will secure an enforcement of such an amount.

3. The revision petition is dismissed but with the above observations.

(K.KANNAN)
JUDGE

31.03.2016
sanjeev