

**C.M.No.21320-CII-2016 in/and
CR No.6380 of 2013 (O&M)**

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

**C.M.No.21320-CII-2016 in/and
CR No.6380 of 2013 (O&M)
Date of decision:14.12.2016**

State of Punjab and others

... Petitioners

Vs.

Didar Singh

... Respondent

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present:- Mr. P.S.Bajwa, Deputy Advocate General, Punjab
for the petitioners.

Mr. D.K.Raheja, Advocate
for the respondent.

AMIT RAWAL J. (Oral)

C.M.No.21320-CII-2016

The application is allowed, subject to all just exceptions.

Correct calculation sheet (Annexure P-8) is taken on record.

CR No.6380 of 2013 (O&M)

Petitioners/judgment debtors/State of Punjab are aggrieved of the impugned order dated 04.04.2013 (Anneuxre P-6), whereby, the Executing Court while declining the calculation sheet submitted by the petitioners dismissed the objections and called upon them to pay the remaining amount as per the direction given in the judgment and decree dated 12.03.2011.

Mr. P.S.Bajwa, learned Deputy Advocate General, Punjab appearing on behalf of the petitioner/judgment debtors submits that the calculation sheet was strictly in pursuance to the judgment and decree dated 12.03.2011 as the respondent-plaintiff/decreed holder was entitled to payment of interest on the arrears of pay and allowances @ 9% per annum from the date when the various payments became due each month till the date of actual payment. He further submits that the Executing Court has misinterpreted the judgment and decree by holding that interest shall be payable @ 9% per annum for the period commencing from two months after the date of retirement of the plaintiff, i.e., 30.04.2003 till the date of payment and not from 1.7.2003. He also submits that the decree envisages commencing of two months after retirement, i.e., 30.04.2003 and the calculation sheet Annexure D1 before the Executing Court was also w.e.f. 1.7.2003, i.e. after two months. However, the Executing Court has erroneously held that the period commencing from two months after the date of retirement of the plaintiff, i.e., 30.4.2003 till payment and not from 1.7.2003, whereas, two months expired on 1.7.2003.

Mr. D.K.Raheja, learned counsel for the respondent submits that order under challenge is legal and justified and the calculation submitted by the respondent-decreed holder is perfectly in accordance with law.

I have heard learned counsel for the parties and appraised the paper book and of the view that the matter requires to be reconsidered by

the trial Court to consider the calculation as per the judgment and decree, aforementioned. Both the parties shall furnish the calculation which shall be examined by the Court itself and can also take the assistance of the retired Officer or Chartered Accountant and thereafter, shall decide the execution application.

With the aforementioned observations, the impugned order is set aside. The matter is remitted back to the trial Court with the aforesaid direction.

Accordingly, the revision petition stands disposed of.

**(AMIT RAWAL)
JUDGE**

December 14, 2016
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Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No