

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

Civil Writ Petition No.25387 of 2015 (O&M)

Date of decision: 15.1.2016

Dharam Pal and others

... Petitioners

Versus

State of Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr.K.S.Dadwal, Advocate,
for the petitioners.

Mr.Harkesh Manuja, Addl., AG., Punjab.

1. To be referred to the Reporters or not?
2. Whether the judgment should be reported in the Digest?

RAJIV NARAIN RAINA, J. (Oral)

Years ago in Civil Revision No.6528 of 1999, this Court when faced with a similar situation as arises in the present case, passed the following order : -

“Attachment of the salaries alone of the employees in execution of the awards passed by the Court against the State of Punjab is vacated as the salaries of the employees is no longer the property of the State of Punjab. It becomes the property of the employees.

Revision is allowed.”

2. If salaries are not paid to low paid employees, it will lead to great suffering and discontent. What would happen to their families? Salary

is neither bounty nor largesse. It is property of the employees and they have a valuable right to receive periodically on time, every month which is their hard earned money so that they can run their households. They cannot be made to wait for payment of salaries tied in judicial orders. In the present case, the decree holders are in execution before the reference court in a land acquisition matter.

3. Learned Additional District Judge, Hoshiarpur-respondent No.6 has attached the salary head of the Irrigation Department, Punjab in execution case No. 50 of 27.7.2013 and 644 of 3.12.2013.

4. Mr.K.S.Pannu, IAS, Secretary, Irrigation Department, Punjab is present in Court and has candidly expressed his anxiety in the matter which is beyond his control since the executing court has attached the salary head and, therefore, he is unable to pay salaries to the employees.

5. In view of this distressing state of affairs, a direction is issued to the 6th respondent-learned Additional District Judge, Hoshiarpur in both the execution petitions to consider recall of his order attaching salary Code 601 and 605 and attach some other property belonging to the State securing the satisfaction of the decree under execution.

6. Mr.Pannu affirms that he would advise the District Attorney, Hoshiarpur to move an appropriate application before learned Additional District Judge, Hoshiarpur seized of the execution proceedings for it to act in furtherance of this order so that the arrears of pending salaries are disbursed to the employees without any delay. He submits that he would request the District Attorney, Hoshiarpur to move such an application in the coming week making therein appropriate prayers to lift the judicial order

and transfer it elsewhere to enable the State Government to pay salary to its employees who are facing the brunt, not so much the State. Mr. Pannu would make every endeavour to compensate decree holders of the fruit of their decrees without State being seen as party to dilatory ways to keep genuine claims at bay. Landowners who have lost their precious land to acquisition must be compensated immediately.

7. Therefore, the execution courts in the State of Punjab are directed to avoid attaching heads of account through which salaries are disbursed to the employees. These courts would resort to other measures to secure satisfaction of decrees where the State of Punjab is the judgment-debtor. The executing courts are also expected to devise such lawful methods and take such measures as would appropriately conclude land acquisition proceedings pending execution and to do so within the shortest possible span of time. Litigants and employees cannot be made to wait endlessly for their money.

8. Presently, it is expected that after the executing Court transfers the attachment order to some other Head of movable or immovable property belonging to the State, the salaries would be disbursed forthwith to the claimants.

9. It may be recorded that though Mr.Pannu was not called by Court or required to attend the proceedings but he has been gracious enough to appear in court to apprise it of the anxiety and the embarrassment that he himself has faced on this account with no power to remedy when faced with judicial orders.

10. This Court is also thankful to Ms. Shruti Singh, IAS, Special Secretary Finance, Punjab for assisting this Court constructively in the present matter in search of permanent solutions to try and solve the problem. If this matter has been settled in writ jurisdiction it is only for abridging time that may be lost if the State and its employees are left pursuing less efficacious remedies only to secure their right to salary paid on time.

11. On the constructive assurances given by both Mr.Pannu and Ms. Shruti Singh, the file is ordered to be closed.

12. Let a copy of this order be circulated to the subordinate judiciary in the State of Punjab so that the situation of the present kind does not again arise in the future.

(RAJIV NARAIN RAINA)
JUDGE

January 15, 2016
Paritosh Kumar