

In the High Court of Punjab and Haryana at Chandigarh

**Civil Writ Petition No. 5190 of 2016
Date of Decision: 18.3.2016.**

Manoj Kumar

.....Petitioner

Versus

Union of India and others

.....Respondents

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. Amandeep Rana, Advocate
for the petitioners.

SABINA, J.

Petitioner has filed this petition under Article 226 of the Constitution of India seeking a writ in the nature of certiorari challenging the order dated 28.12.2015 (Annexure P-1).

Learned counsel for the petitioner has submitted that vide the impugned order, 22% of the salary of the petitioner was ordered to be deducted and was ordered to be released to his wife for maintenance. As per Section 25 of the Army Act, 1950 ('Act' for short), no such deduction could be made from the salary of the petitioner.

Section 25 of the Act, reads as under:-

“Authorised deductions only to be made from pay.—

The pay of every person subject to this Act due to him as such under any regulation for the time being in force shall be paid without any deduction other than the deductions authorised by or under this or any other Act.”

Thus, as per the above provision, no deduction could be

made from the salary of an employee other than the deductions authorized by or under this or any other Act.

Section 91(i) of the Act reads as under:-

“Any sum required by order of the Central Government or any prescribed officer to be paid for the maintenance of his wife or his legitimate or illegitimate child or towards the cost of any relief given by the said Government to the said wife or child. ”

In the present case, the salary of the petitioner has been ordered to be deducted in terms of Section 91(i) of the Act. Thus, the deduction in the present case, from the salary of the petitioner has been ordered to be effected as per the provisions of the Act. Hence, there is no violation of Section 25 of the Act as suggested by the learned counsel for the petitioner.

No ground for interference by this Court while exercising jurisdiction under Article 226 of the Constitution of India is made out.

Dismissed.

**(SABINA)
JUDGE**

March 18, 2016
Gurpreet