IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

106 **Civil Revision No.5394 of 2017(O & M)**
Date of Decision:16.08.2017

The Punjab State through its Principal Secretary, Department of Home Affairs, Punjab Chandigarh and others

....petitioners

Versus

Amrik Singh

.....respondent

CORAM: HON'BLE MR.JUSTICE ARUN PALLI

Present: Ms.Ruksaar Sandhu, AAG Punjab
for the petitioners

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ARUN PALLI, J. (ORAL):

Vide order being assailed dated 05.08.2016, rendered by the executing Court, the objections filed by the petitioners/judgment-debtor, have since been dismissed.

Concededly, the suit filed by the respondent/decree-holder for declaration that he was entitled to the annual statements of General Provident Fund from the date, the defendants deducted the subscription of the GPF from his salary, to the date, the department seized deducting any subscription on this account, including the bonus, DA instalments and interest, was decreed by the trial Court, vide judgment and decree dated 16.08.2014.

In the objections preferred by the petitioners, it was claimed that as per the intimation sent by DIGP Border Range, Amritsar, a sum of ₹ 30,000/- were obtained as advance by the respondent-decree holder in the month of September, 1995. However, the said amount was never deducted from his account and now the petitioners were entitled to recover a sum of

₹ 72,256/- with interest from the GPF account of the respondent-decree holder. Whereas, the amount that has been decreed by the trial Court is ₹ 71,807. Thus, an amount of ₹ 449/- were recoverable from the respondent-decree holder.

In the reply filed by the respondent-decree holder, it was maintained that the amount of ₹ 30,000/- taken by him as advance were non-returnable in terms of the letter No.3872/A dated 08.12.2010. Further, Dharam Pal, DW2, in his cross examination had conceded that the last annual statement for the year 2007-08 showed that the balance amount of ₹1,06,814/- was due towards the respondent-decree holder and only ₹ 35,007/- were paid to him.

I have heard learned counsel for the petition and perused the records.

Concededly, the judgement and decree dated 05.08.2016, granted in favour of the respondent-decree holder has since attained finality. It is not the case of the petitioners either that they had ever set up any such plea or defence in the suit filed by the respondent-decree holder. Needless to assert that if any amount was indeed outstanding against the respondent, the department was free to proceed against him, but in accordance with law. One wonders as to how the petitioners could even restrict the execution of the decree dated 05.08.2016 on such a ground. Still further, the respondent/decree-holder had superannuated as back as on 30.04.2008. Suit filed by him was decreed three years ago. But he is still struggling to obtain his retiral dues. So much so, the impugned order was passed more than a year ago. And, there is hardly any explanation as to why the revision petition has been filed after a gross, unexplained and inordinate delay.

On being pointedly asked, learned State counsel could not show as to how the conclusion arrived at by the executing Court was either contrary to the record or suffered from any material illegality. The revision being devoid of merit is accordingly dismissed.

August 16, 2017 **(ARUN PALLI)**
neenu **JUDGE**

Whether speaking/reasoned Yes/No.
Whether reportable- Yes/No