

CR No.585 of 2018

{1}

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

CR No.585 of 2018

Date of decision:22.03.2018

Milkhi Ram

... Petitioner

Vs.

Punjab State Power Corporation Limited Patiala and others

... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present:- Mr. R.S.Rangpuri, Advocate
for the petitioner.

AMIT RAWAL J. (Oral)

The petitioner-plaintiff is aggrieved of the impugned order dated 03.11.2017 rendered by the trial Court, whereby post passing of the decree dated 24.02.2014, the department had initiated the inquiry and as per the inquiry report dated 10.11.2014, certain penalties have been imposed upon the petitioner which had been deducted from the amount due towards petitioner.

Learned counsel for the petitioner submitted that the Court cannot go beyond the decree, therefore, the order under challenge is not sustainable in the eyes of law.

I have heard the learned counsel for the petitioner, appraised the paper book. The decree dated 24.02.2014 reads as under:-

“This suit is coming on this 24th February, 2014 for final

disposal before me (Rana Kanwar Deep Kaur, Addl.Civil Judge (Sr. Divn.), Sri Muktsar Sahib) in the presence of Sh. R.L.Jagga, Advocate for the plaintiff and Sh. G.R.Wadhwa, Advocate counsel for the defendant. It is ordered that suit of the plaintiff stands decreed with costs and defendants are directed to pay interest at the rate of 9% per annum on the delayed payment of General Provident Fund and leave Encashment and further directing the defendants to release the payment of gratuity, commuted pension and regular pension alongwith interest @ 9% per annum from the date of the same fell due till recovery, under the departmental rules.

Given under my hand and seal of the Court this the 24th day of February, 2014.”

Penalty order is dated 10.11.2014 which reads thus:-

“Keeping in view the aforesaid situation, a cut of 15% for 7 years in the pension of Sh. Milkhi Ram, U.D.C./Head Cashier (now retired) is imposed.

So, the cut of 15% in pension for 7 years from Sh. Milkhi Ram, UD.C (Retired) is hereby ordered by the Punjab State Power Corporation Ltd.

This order is issued with the approval of the competent authority.

*Sd/-
Joint Secretary/Technical-2
Punjab State Corporation Ltd./Patiala.”*

It is aforementioned amount which is being recovered by the petitioner and on application, the Court has passed the decree after taking into consideration the order, *ibid*.

The fact of the matter is that order dated 10.11.2014 has not been challenged till date. In my view, the order of execution is perfectly legal and justified. It would be in the fitness of things and equity to first comply with the decree and then recover the amount in accordance with law. Even otherwise, cut of 15% in the pension for 7 years from the petitioner is going to expire very soon.

Revision petition stands dismissed.

(AMIT RAWAL)
JUDGE

March 22, 2018
savita

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No