

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

**EA No. 26 of 2017 in
CWP No. 1819 of 2006
Date of Decision : 30.11.2018**

Sikander Singh	Versus	...Petitioner
Union of India and others		...Respondents

CORAM: *HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI*

Present: Mr. G.S. Ghuman, Advocate for the petitioner.

Mr. K.S. Dadwal, Advocate for the respondents.

Harsimran Singh Sethi, J.(Oral)

 This Court had passed an order on 10.05.2017, execution of which is being asked for by the present application.

 Vide order dated 10.05.2017 passed in CWP No. 1819 of 2006, this Court had directed that an amount of ₹1,20,000/- already deposited in Fixed Deposit Account should be released to the petitioner and further the salary of the petitioner should be re-fixed. The said re-fixation was to be done after giving due opportunity to the petitioner.

 Today. an affidavit of Sh. Parvinder Singh son of Sh. Harbhajan Singh, Senior Manager, HRD, Punjab National Bank, Circle Office, Ludhiana has been filed in Court. The same is taken on record. A copy thereof has been supplied to learned counsel for the petitioner. It has been stated in the affidavit that the order passed by this Court on 10.05.2017 has already been complied with. The amount of Fixed Deposit Account has already been released to the petitioner for which the petitioner has given a receipt and with regard to the re-fixation of the salary, the bank has undertaken the said exercise also and has attached a chart as Annexure A-1 re-fixing the salary of the petitioner from the year 1992 onwards. As per the

affidavit, upon re-fixation there was a recovery of ₹1,15,660/-.

Keeping in view the law laid down by Hon'ble the Supreme Court in the case of *State of Punjab and others Vs. Rafiq Masih (White Washer) etc., 2015(4) SCC 334*, the bank has stated in the affidavit that as the re-fixation was not beneficially to the petitioner and after the re-fixation, the petitioner will have to deposit ₹1,15,660/- though the calculation of amount was undertaken but no order re-fixing the salary of the petitioner has been passed.

Learned counsel for the petitioner states that the petitioner be given liberty to raise objection to the so called calculation done by the bank while re-fixing the salary of the petitioner and in case the petitioner has any objection to the same, the petitioner will file a detailed representation and submit to the bank within a period of four weeks from today.

In case any representation is filed by the petitioner, the bank will take into consideration the objection raised by the petitioner and then pass a speaking order dealing with all the objections so raised in the representation regarding the re-fixation of his salary.

The petitioner is given liberty to raise the objection if he has any grievance in respect of the interest calculated on the Fixed Deposit Account by the respondents, which according to the petitioner is not as per law.

In view of the above, the present execution application stands disposed of.

November 30, 2018
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned? Yes/No
Whether reportable? Yes/No