

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

CR No.2126 of 2018

Date of Decision:30.09.2019

P.S.E.B THR. ITS CHAIRMAN

...Petitioner

Versus

JANAK RANI AND ANOTHER

..Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mrs. G.K.Mann, Advocate
for the petitioner.

Mr. H.K.Brinda, Advocate
for respondent No. 1.

Mr. Pranav Chadha, Advocate
for respondent No.2.

DEEPAK SIBAL, J. (ORAL)

The present petition is directed against the order dated 31.10.2017 passed by the Civil Judge (Junior Division) Sri Anandpur Sahib (for short-the Executing Court) through which the petitioner has been directed to release the entire amount due to respondent No.1 within one month from the date of passing of the order.

The facts, in brief, which are required to be noticed for adjudicating upon the present petition, are that Chaman Lal was an employee of the petitioner-Punjab State Electricity Board, now Punjab State Power Corporation Ltd (for short-the Corporation). After his death his sons namely, Rajesh Kumar and Chander Shekher filed a suit seeking therein a

declaration to the effect that they and Vidya Wati, mother of Chaman Lal, be held entitled to the extent of 3/6th share in the service/retiral dues of Chaman Lal. Respondent No.1 being widow of Chaman Lal, was defendant No.3 in the suit. The parties in the aforesaid suit compromised the matter resulting in the passing of a compromise decree dated 13.12.1995 as per which respondent No.1 was held entitled to 1/5th share out of service benefits of Chaman Lal as also to claim the entire family pension.

When respondent No.1's dues were not paid by the petitioner-Corporation, she approached the Executing Court which directed the petitioner-Corporation to pay the entire dues to respondent No.1 as per its rules. Such amount was required to be paid within one month from the date of the order in terms of the aforesaid compromise dated 13.12.1995.

Learned counsel for the petitioner-Corporation submits that in terms of the aforesaid compromise decree dated 13.12.1995 all the dues payable by the petitioner to respondent No.1 have been paid.

On the other hand, learned counsel for the contesting respondent No.1 has produced orders passed by the petitioner-Corporation as per which only half of the pension payable to Chaman Lal has been released to respondent No.1. He further submits that whatever pension has been released by the petitioner-Corporation has been released on the un-revised scales whereas respondent No.1 is entitled to receive the same on the revised scales.

In the light of the conflicting claims raised by the parties, when the impugned order is perused, it is found that the same is bereft of any reasons. Details of the amounts payable by the petitioner-Corporation to

respondent No.1 have not even been referred to. Calculation of the specific amount(s) payable by the petitioner to respondent No.1, as also reference to the applicable rules is also not found. In the absence of reasons the impugned order cannot be sustained.

In view of the above, the impugned order is set aside and the matter is remitted back to the Executing Court to take a reasoned decision in accordance with law. Such decision be taken within four months from the date of receipt of a copy of this order.

It is clarified that the parties would be at liberty to raise additional plea(s) before the Executing Court. However, the same be done within three weeks from today.

September 30, 2019
Jyoti-IV

(DEEPAK SIBAL)
JUDGE

Whether speaking/reasoned Yes/No Whether Reportable Yes/No