

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Civil Revision No.2661 of 2018
Date of Decision: March 18, 2019

State of Punjab & others

...Petitioners

Versus

Madan Mohan

...Respondent

CORAM: HON'BLE MR.JUSTICE AMIT RAWAL

Present: Mr. Rajesh Kumar Bhardwaj, Sr.DAG, Punjab,
for the petitioners.

Mr. G.S.Bhatia, Advocate,
for the respondent.

AMIT RAWAL, J. (Oral)

The present revision petition has been filed through Bhupinder Singh, IAS, Director State Transport, Punjab assailing the order of the trial Court dated 09.08.2017 (Annexure P-1), whereby the objections of the judgment debtor qua drawing of the proclamation of the sale, have been dismissed.

As per the judgment and decree dated 16.03.2000, the appeal was allowed and the following relief had been granted:-

“Resultantly appeal of the appellants partly allowed to the extent that claim of the petitioner regarding insertion of his name in the seniority list of the employees of the offices of the Divisional Manager and for placement at appropriate place be considered by appellants within two months from today positively and even petitioner be given selection grade/senior scale by treating petitioner to be in regular service in the cadre of employees on the strength of offices of Divisional Manager. After due consideration benefits due to petitioner be given by appellants with interest @ 12% per annum on the arrears of

salary etc. from the date from which benefits withheld. Interest will be recoverable till realization of the due amounts. No order as to costs. Decree sheet be drawn up accordingly. ”

As per the averments in Para 3 of the revision petition, which is also extracted here-in-below, the department in implementation of the judgment and decree, decided to give the benefits to the respondent by determining the principal amount as ₹ 5,29,846/- including the interest from 14.01.1991 to 25.08.2010 and made the payment on 23.01.2014. However, the decree was not complied with as the element of interest was to prevail till the date of realization:-

“3. That in compliance of the judgment & decree dated 16.03.2000 the payment due to the respondent have been paid as per the table given below:-

<i>Sr. No.</i>	<i>Period</i>	<i>Total principal/ interest amount</i>	<i>Tax deduction as source</i>	<i>Amount actually paid</i>	<i>Treasury voucher</i>	<i>Date of payment</i>
1	09.09.83 to 28.02.2010	6,14,670/- (Principal Amount)	46,700/-	5,67,970/-	100	25.08.2010
2	09.09.83 to 13.1.91	38105/- (Interest on principal amount)	600/-	37305/-	107	31.03.11
3	14.01.91 to 25.08.2010	5,29,846/- (Interest on principal amount)	72100/-	457746/-	65	23.01.14

Learned State counsel submitted that once the principal amount including the interest had already been paid upto 2010, the court below ought not to have proceeded with the proclamation and the execution application should have been dismissed.

Mr. G.S.Bhatia, learned counsel for the respondent submitted that the respondent/decreed holder/plaintiff is 85 years old and has already

suffered a lot owing to the lapses on the part of the petitioner-defendants and an attempt has been made to add more fuel to the agony by opposing the order of the trial Court in not complying with the judgment and decree in letter and spirit. Even the direction was given in the civil revision for expeditious disposal of the execution application.

I have heard the learned counsel for the parties and appraised the paper book.

It is evident that the department has unnecessarily assailed the order of the trial court fully known well that the relief part, as extracted above, was not complied with, for, the element of interest was to prevail upto the date of realization, but the interest has been paid only upto 2010. The agony of the respondent-decree holder is writ large. It is not understandable as to why sanction was given to file the revision against the order without noticing the aforementioned fact. It is a complete callous attitude to waste the time of the court and as well as the costs of the litigation.

For the reasons stated above, the order under challenge cannot be said to be suffering from any illegality or perversity. The revision petition is dismissed with costs of ₹ 50,000/- to be recovered from the officer who has chosen to file the revision. Costs shall be paid to the decree holder within a period of one month from the date of receipt of certified copy of this order and in the absence of the same, liberty is granted to the respondent to seek the execution of the order in accordance with law.

March 18, 2019
ramesh

(AMIT RAWAL)
JUDGE

Whether speaking/reasoned
Whether Reportable:

Yes/No
Yes/No