

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

**Civil Revision No.3955 of 2019
Date of decision: 12.07.2019**

The State of Punjab

.....Petitioner

Versus

Shri Gurdev Singh (deceased) through his LRs.

.....Respondent(s)

CORAM:HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Ashok Kumar Singla, Sr. DAG, Punjab.

Ritu Bahri, J.

CM No.14363-CII of 2019

Annexures P-6 and P-7 are taken on record.

Misc. application stands allowed accordingly.

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Challenge is to the order dated 14.02.2019 (Annexure P-5) passed by the Civil Judge (Junior Division), Jalandhar-Executing Court, whereby warrants of attachment have been issued against the petitioner-JD in order to remit an amount of Rs.81,77,125/- in favour of decree holder-respondent.

On a specific query, learned counsel for the petitioner has informed that pursuant to the impugned order dated 14.02.2019 (Annexure P-5), property of JD-defendant (petitioner) has since been attached.

Calculation of arrears of salary, pension and other dues has been

attached as Annexure P-4. The said calculation in respect of salary has been

made by the plaintiff w.e.f. 21.11.1978 to 31.05.1999. The calculation also includes pension from 01.06.1999 to 03.09.1999 and family pension from 04.09.1999 till date. However, the calculation (Annexure P-6) made by the present petitioner-JD is w.e.f. 21.11.1978 to 19.02.1986. Thus, it is not a correct calculation as the arrears would have to be counted from 21.11.1978 till the age of superannuation of plaintiff-Gurdev Singh. Thereafter, family pension has to be calculated.

Having examined the impugned order, no illegality, much less perversity, has been found in the impugned order, warranting interference by this Court.

Resultantly, the present petition is dismissed. However, liberty is granted to the JD-petitioner to supply correct calculations to the Executing Court. The Executing Court will also proceed to calculate the arrears as per rules.

12.07.2019
ajp

(RITU BAHRI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No