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

124

CR No.238 of 2020 (O&M)

Date of decision : 20.01.2020.

The Registrar, HAU, Chaudhary Charan Singh Haryana Agricultural
University, Hisar, Haryana

... Petitioner

Versus

Dr. D.P. Singh

.. Respondent

CORAM :HON'BLE MR.JUSTICE ANUPINDER SINGH GREWAL

Present:- Mr. Shreenath A. Khemka, Advocate for the petitioner.

Anupinder Singh Grewal, J. (Oral)

The petitioner has impugned the order dated 02.12.2019 passed by the Executing Court whereby the petitioner/judgment-debtor has been directed to deposit the amount due to the decree-holder in terms of Clause 3.2 of the Haryana Agricultural University Pension Statutes (hereinafter referred as 'the Statute').

Learned counsel for the petitioner contends that as per Clause 3.2 of the Statute, the maximum benefit which could be granted to the respondent/decreed-holder, is of two years by adding the length of service. The benefit which the decree-holder is claiming is of five years which is not applicable to his case as the Statute had been duly amended by the Board of Haryana Agricultural University by notification dated 22.03.2002.

Heard.

The suit preferred by the decreed-holder had been decreed by the trial Court vide order dated 19.05.2016 (Annexure P-2) wherein it was held as

under:-

'the present suit stands decreed with costs to the effect that the plaintiff is entitled to the benefit of Clause 3.2 of H.A.U. Statutes and the defendant is directed to compute the pension and retiral benefits which the plaintiff is entitled to after the application of Clause 3.2 of H.A.U. Statute and to pay the same to the plaintiff, subject to adjustment of any excess amount paid to plaintiff in lieu of pension benefits for the period of services rendered by him on stop gap arrangement, along with interest @ Rs. 12% per annum S.I. from the date of filing the present suit till the date of judgment and decree and interest @ Rs.6% per annum from the date of judgment and decree till its realization. Decree sheet be prepared. File after due compliance be consigned to the record room.'

The petitioner had filed first appeal against the decree of the trial Court dated 19.05.2016. The Appellate Court had dismissed the appeal preferred by the petitioner/judgment-debtor. A perusal of the judgment of the Appellate Court would indicate that the counsel for the petitioner had argued that the benefit of only two years or two increments could be granted to the respondent as per letter Ex.D1 and this benefit had already been granted to him. However, this contention of learned counsel for the petitioner had been negated by the First Appellate Court. The relevant extract of findings of the order passed by the First Appellate Court in this regard is reproduced hereunder:-

'It is also argued by learned counsel for appellant that only benefits of two years or two increments can be granted to the respondent as per letter Ex.D1 and the said benefit has already been granted to him. However, this contention of learned counsel for appellant is devoid of legal force because the said letter Ex. D1 issued by Finance Department, Government of Haryana, is only applicable to the case where employee is not granted benefit of Clause 3.2 of HAU Pension Statutes but in the case in hand as already discussed above, respondent is entitled to benefits of Clause 3.2 of the Statutes. More so, it is pertinent to note that respondent is ready to

forgo the benefits of ad-hoc service/stop gap arrangement given to him while granting pensionary benefits including two increments after acquiring Ph.D. Degree as per his statement in writing.'

The petitioner had preferred regular second appeal bearing RSA No.1285 of 2018 which was dismissed as withdrawn by the appellant-petitioner on 17.04.2018. The contention of the petitioner that the respondent would be entitled to only two years' benefit has already been noticed and rejected by the First Appellate Court and the judgment of the First Appellate Court has attained finality. Therefore, it would not be open to the petitioner to argue this point before the Executing Court.

Consequently, I do not find any manifest illegality in the impugned order passed by the Executing Court which would warrant interference while exercising revisional jurisdiction.

The petition stands dismissed.

At this stage, learned counsel for the petitioner contends that there appears to be ambiguity with regard to the notification dated 22.03.2002 in the order of the First Appellate Court and the petitioner would be seeking clarification in this regard from the First Appellate Court.

Needless to observe, in the event of the petitioner making an application to the First Appellate Court for clarification of the order, the same shall be considered and decided in accordance with law.

(ANUPINDER SINGH GREWAL)
JUDGE

January 20, 2020
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Whether speaking/reasoned	:	Yes
Whether Reportable	:	Yes/No