

112IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CM-1657-CII-2022

in/and

CR-351-2022

Date of Decision: 21.02.2022

STATE OF HARYANA AND OTHERS

...Petitioners

Versus

MAHESH CHAND GUPTA

...Respondent

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present : Ms. Kirti Singh, D.A.G., Haryana.

(Presence marked through video conference)

ARUN MONGA, J. (ORAL)

CM-1657-CII-2022

This is an application for preponing the main case, which is pending for 07.03.2022. For the reasons stated in the application, the same is allowed, as prayed for, and the main case is taken up on Board today itself.

Main case

Petition herein, under Article 227 of Constitution of India is for setting aside the impugned order dated 14.10.2021 passed by learned Civil Judge (Senior Division), District Mahendergarh at Narnaul, vide which, the warrants of attachment to the extent of decretal amount of the salary head of DDO Code No.1091, Treasury Department, Narnaul was issued for 06.01.2022.

2. Respondent had filed a suit for declaration, stating therein that he is entitled to notional promotion with grant of arrears of pay from the date his junior of reserved category was promoted. Learned counsel for the petitioners-State submits that it is no case of disparity as the respondent was drawing higher salary as compared to his junior-Sh. Jagdish Chander. She further submits that though this fact was brought into the knowledge of the

Executing Court but still, order dated 14.10.2021 of attachment has been passed. Hence, the revision petition.

3. I have heard learned counsel for the petitioner and gone through the case file.

4. The order assailed herein is premised, *inter alia*, on the following reasoning:

“Compliance of order dated 04.03.2020 not made. At this stage, an application to attach the property of JDs has been filed by the DH. Heard on the application. In view of facts mentioned in the application as well as compliance of order dated 04.03.2020 not made by the JDs, the warrants of attachment to the extent of decretal amount of the Salary head of DDO, Code No.1091, Treasury Department, Narnaul be issued for 06.1.2022.”

5. This Court cannot go into the merits of the decree and/or the prayer, which has been made in course of the hearing that the same be modified. The revision petition arises out of the execution petition and under extraordinary jurisdiction vested in this Court all one has to see whether the Executing Court is proceeding to implement the decree and/or is going beyond the same.

6. Being a case simplicitor of execution of the decree, no grounds to interfere.

7. Dismissed.

February 21, 2022
gurpreet

(ARUN MONGA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No