

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

**CR No. 715 of 2022
Date of decision: 03.03.2022**

Kaplesh Sharma

..... Petitioner.

Versus

State of Punjab and another

..... Respondents.

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present:- Mr. Dheeraj Mahajan, Advocate, for the petitioner.

ANUPINDER SINGH GREWAL, J. (ORAL)

Heard through video conferencing.

The petitioner has challenged the order dated 18.01.2022 (Annexure P9) whereby his application for execution of the decree has been dismissed.

The petitioner, who was working as Superintendent Grade-II, had filed a suit claiming the grade of Superintendent Grade-II along with arrears of pay and interest. The suit was partly decreed on 30.01.2006, as the respondents had already released the grade of Superintendent Grade-II, i.e. ₹6400-10640/- to the petitioner vide order dated 19.01.2006. The trial Court had held that the petitioner was entitled to the arrears of grade of Superintendent Grade-II w.e.f. 03.02.1995. The petitioner had filed an execution application and several payments are stated to have been made to the petitioner. A sum of ₹32,90,611/- is stated to have been paid to the petitioner.

Learned counsel for the petitioner contends that the petitioner is entitled to another sum of ₹81,91,326/-.

A perusal of the impugned order (Annexure P9) indicates that the first execution application preferred by the petitioner had been dismissed, as he had made a statement on 06.09.2010 that he had received all the service benefits except GP fund of ₹6,000/- from the respondents (Judgment debtors). Thereafter, he had preferred another execution application which was dismissed. He had preferred revision petition bearing CR No. 6130 of 2016 before this Court which was disposed of with a direction to the respondents to check their own accounts and if after doing so it was found that an amount of ₹6,000/- is pending towards the petitioner, the same would be disbursed to him by way of a demand draft. Thereafter, the respondents (Judgment debtors) had submitted a calculation and stated that the entire amount has been paid and no amount is due to the petitioner.

It is apparent from the perusal of the impugned order dated 18.01.2022 (Annexure P9) that although it is recorded that a statement had been made on behalf of the respondents (Judgment debtors) that ₹6,000/- had been paid, but the details of the payment as to when it had been paid or any calculation in that regard has not been produced. This Court in CR No. 6130 of 2016 had directed the respondents (Judgment debtors) to check their own accounts and if after doing so it is found that the amount of ₹6,000/- is pending towards the petitioner, the same be disbursed to him. The respondents (Judgment debtors) are, therefore, required to submit the calculation with regard to the payment of ₹6,000/- as GP fund to the petitioner. Insofar as the claim of the petitioner for the amount beyond

₹6,000/- is concerned, the same cannot be entertained at this stage, as the petitioner had made a statement that he had received all the benefits except ₹6,000/-.

In view of the above, the petition is disposed of with a direction to the respondents (Judgment debtor) to submit the calculation before the Execution Court and in the event of this amount of ₹6,000/- remaining unpaid, the same shall be paid to the petitioner forthwith.

03.03.2022
Ramesh

(ANUPINDER SINGH GREWAL)
JUDGE

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