

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

CR-751-2019

Date of decision: 26.08.2022

SSMD Ayurvedic College and Hospital Managing Committee
.... Petitioner

Versus

Kanwaljit Kaur Gill & anr. ...Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. A.S. Narang, Advocate,
for the petitioner.

Mr. Vikas Chatrath, Advocate,
for the respondent.

ANIL KSHETARPAL, J (Oral)

The petitioner-management of the College assails the correctness of order dated 25.10.2018 passed by the Additional Civil Judge, Senior Division, Moga, in an execution petition. The suit filed by the respondent for grant of decree of declaration to the effect that the plaintiff is entitled to salary in the regular pay scale of Librarian at par with the employees of the other Government and affiliated colleges was decreed on 14.08.2012. The operative part of the decree reads as under:-

“This suit coming on this day for final disposal before me (Sh. Rajeev Kumar Beri, PCS, Addl. Civil Judge (Sr. Division) (Moga) in the presence of Shri Deep Chand Goyal, Advocate, counsel for the plaintiff and Sunil Jaiswal, Advocate, counsel for defendant no.1 and Sh. H.S. Lodhi, Advocate, counsel for the defendant no.2 it is ordered that the suit of the plaintiff succeeds and is hereby decreed with costs. She is declared entitled to the salary in the regular pay scale of librarian at par with similarly placed affiliated colleges. She also is held entitled to payment of arrears of difference in pay, w.e.f. November, 2003 till

filing of the suit, with interest @ 12% per annum from November, 2003 till making of such payment.”

In the execution petition, there was a dispute with regard to the calculation and payment of the salary. Both the parties filed their respective calculations. The Executing Court without adjudicating upon the correctness of the calculations, has passed the impugned order while observing that it 'seems' that the calculations submitted by the respondent is correct. The Executing Court is required to adjudicate upon the aforesaid issue properly and fairly. The management has taken a definite stand which is controverted by the decree holder. In these circumstances, the Executing Court was required to pass a speaking order based on sound reasons, however, it has passed a mechanical order

Keeping in view the aforesaid facts, the order dated 25.10.2018 is set aside while directing the Executing Court to pass a fresh order after considering the contention of both the parties.

Petition stands disposed of accordingly.

26.08.2022

monika

Whether speaking/reasoned : Yes

Whether reportable : No

(ANIL KSHETARPAL)
JUDGE