

In the High Court of Punjab and Haryana, at Chandigarh

1. Civil Revision No. 7603 of 2019

Naresh Bhatotia
... Petitioner(s)

Versus

Management Board of Ansal Institute of Technology/University and Another
... Respondent(s)

AND

2. Civil Revision No. 7606 of 2019

Naresh Bhatotia
... Petitioner(s)

Versus

Management Board of Ansal Institute of Technology/University and Another
... Respondent(s)

DATE OF DECISION: 14.11.2023

CORAM: Hon'ble Mr. Justice Anil Kshetarpal.

Present: Mr. Amit Jain, Advocate
for the petitioner(s).

Ms. Shruti Munjal, Advocate
for the respondents.

Anil Kshetarpal, J.

1. With the consent of the learned counsel representing the parties,

two connected revision petition involving the identical issues shall stand

dispose of.

2. The petitioner herein was successful in a suit filed by him vide

judgment and decree dated 11.05.2017. A decree for declaration with a

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consequential relief of mandatory injunction was granted in favour of the petitioner. Pursuant thereto, the petitioner was reinstated in service as Deputy Registrar-cum-Head Administration. During the pendency of the execution petition, the petitioner filed an application for permission to lead additional evidence as he complains that he is not being paid the appropriate salary.

3. Amit Kumar Aggarwal, Assistant Registrar-cum-Assistant Professor, Ansal University, appeared in evidence as RW.1. On being questioned, he admitted that after the Registrar, the second highest administrative post is that of Deputy Registrar-cum-Head Administration. However, he failed to disclose the salary of the Registrar. He himself was the Assistant Registrar-cum-Assistant Professor in the University. However, he failed to disclose his own salary. Thus, the petitioner, forced by the circumstances, filed the application. However, the Court has dismissed the application on the ground that the petitioner is entitled to get the decree implemented, but he has no reason to summon the salary slip of his counterparts. The correctness of this order has been challenged in this revision petition.

4. Heard the learned counsel representing the parties at length and with their able assistance, perused the paper-book.

5. The learned counsel representing the petitioner, while referring to the deposition of Amit Kumar Aggarwal, Assistant Registrar-cum-Assistant Professor, submits that the effort is being made to deny the petitioner what is due to him. He submits that though the petitioner has been

reinstated in service, however, his salary is not being appropriately fixed in

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accordance with the judgment of the Court.

5. On the other hand, the learned counsel representing the respondents submits that though in the hierarchy, the post of Deputy Registrar-cum-Head Administration is the second highest administrative post after the Registrar, however, the petitioner has no jurisdiction to summon the salary slip of the Vice Chancellor, Registrar and Assistant Registrar.

6. This Court has considered the submissions. On reading of the deposition of Amit Kumar Aggarwal, Assistant Registrar-cum-Assistant Professor, it is evident that an effort has been made to withhold from the Court the amount of monthly salary which is being paid to the post of Assistant Registrar, which is at a lower pedestal than the petitioner who is Deputy Registrar-cum-Head Administration. It is also not in dispute that the post of Deputy Registrar-cum-Head Administration, which the petitioner holds, is the next highest post after the Registrar. In such circumstances, the Executing Court has taken a very conservative view against him. In order to resolve the controversy, the Executing Court could have summoned the salary slip or the required information from the judgment debtor.

7. Keeping in view the aforesaid facts, both the revision petitions are allowed. The impugned orders are set aside. The applications filed by the petitioner shall stand allowed. The Executing Court, as prayed for by the petitioner, is directed to permit the petitioner to summon the salary slip. The judgment and decree was passed in the year 2017. Approximately, a period of more than six years has already elapsed. Hence, the Executing Court is requested to conclude the hearing of the execution petition expeditiously, positively, within a period of three months from today.

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8. At this stage, the learned counsel representing the respondents submits that the Executing Court cannot travel beyond the decree. This Court has considered the submissions. In order to implement the decree, the Court is required to get complete information. The judgment debtor cannot withhold the necessary information in order to frustrate the decree.

(Anil Kshetarpal)
Judge

November 14, 2023
“DK”

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