

2024:PHHC:004758

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

CR-2127-2018 (O&M)
Date of decision: 15.01.2024

R.N.Saini

...Petitioner

Versus

Assistant General Manager, State Bank of India

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr. Arav Gupta, Advocate for the petitioner

Mr. Sunil Kumar and
Mr. Sumit Narang, Advocates for the respondent

ANIL KSHETARPAL, J (Oral)

1. This revision petition under Article 227 of the Constitution of India has been filed assailing the correctness of the order dated 15.12.2017, passed by the Civil Judge, Junior Division, Chandigarh.
2. In order to comprehend the issue involved in the present case, some relevant facts, in brief, are required to be noticed.
3. The services of late Sh.R.N.Saini, the petitioner, who is now dead, were dispensed with. He applied to the Government for making reference under Section 10 of the Industrial Disputes Act, 1947, which was allowed. Ultimately, the Presiding Officer, Central Govt., Industrial Tribunal-cum-Labour Court-II, Chandigarh set aside the punishment order passed by the disciplinary authority

and the petitioner was held entitled to the continuity of service and back wages. Thereafter, an execution petition was filed and the Executing Court came to the conclusion that the petitioner has been paid Rs.8,75,762.757, which includes the arrears of wages, pension, future pension, provident fund and amount of gratuity etc. The petitioner also sought the relief of leave encashment, left over benefits, leave fair concession and other terminal benefits. The Executing Court has declined the same on the ground that it is not a part of the award.

4. Heard the learned counsel representing the parties at length and with their able assistance perused the paperbook.

5. Learned counsel representing the petitioner submits that even the benefits under the Assured Career Progression Scheme, medical allowance and leave encashment have not been paid. He submits that these are the consequential benefits, payable to the petitioner, pursuant to the order of reinstatement.

6. This Court has considered the submissions made by the learned counsel representing the parties.

7. While implementing the award, the Executing Court is not expected to travel beyond the scope of the award. In this case, it has been directed by the Central Government Industrial Tribunal that the petitioner is entitled to the continuity of service and back wages. There is no specific reference to the benefit of the Assured

Career Progression Scheme or medical allowance or leave encashment.

8. At this stage, the learned counsel representing the petitioner submits that he may be permitted to represent to the respondent-Bank, which shall be disposed of in a time bound manner. Learned counsel representing the respondent has no objection to the aforesaid proposal.

9. Keeping in view the aforesaid facts, the revision petition is allowed and impugned order passed by the executing court is set aside. However, the respondent through his legal representatives shall have liberty to represent the respondent-Bank for claiming remaining benefits, if any due.

10. If such representation is made, the same shall be decided, by passing a speaking order, within a period of two months.

11. All the pending miscellaneous applications, if any, are also disposed of.

15.01.2024

rekha

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(ANIL KSHETARPAL)
JUDGE