

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

109

CWP-25352-2021
Date of Decision: 01.03.2024

Birender Singh

...Petitioner

Versus

Union of India and others

...Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present:- Mr. J.P. Sharma, Advocate for the petitioner
Ms. Anita Balyan, Senior Panel Counsel
for Union of India-respondent Nos.1 and 2
Mr. Parmod K. Parmar, Advocate for
Mr. Mukesh Yadav, Advocate for respondent No.3

JAGMOHAN BANSAL, J. (Oral)

1. The petitioner through instant petition under Articles 226/227 of the Constitution of India is seeking setting aside of order dated 05.10.2020 (Annexure P-1) passed by respondent No.2 whereby 50% of the total salary and allowance of the petitioner has been ordered to be paid to respondent No.3.
2. The petitioner is working with Sashastra Seema Bal respondent- No.2. The respondent by impugned order has withheld 50% of salary of the petitioner. The withheld amount has been sanctioned to respondent No.3 i.e. wife of the petitioner.
3. The allegation against the petitioner is that he was having extra-marital relations. On account of extra-marital relations, the respondent-Force

has decided to withhold 50% of salary of the petitioner. The petitioner is having one minor child. The Force is regularly paying withheld amount of salary to the wife and minor child of the petitioner.

4. Mr. J.P. Sharma, Advocate submits that deduction of 50% amount towards maintenance of the wife and one minor son is on the higher side. The petitioner is not deflecting from his responsibility, however, the amount deducted by the respondents needs to be reduced.

5. Ms. Anita Balyan, learned counsel for the respondent Nos.1 and 2 -Union of India submits that as per Section 61(2) of the Sashastra Seema Bal Act, 2007 (for short '**2007 Act**') read with Rule 181 of the Sashastra Seema Bal Rules, 2009 (for short '**2009 Rules**'), the Commandant is competent to deduct an amount from the salary of an officer for the purpose of maintenance of employee's wife, legitimate or illegitimate child. The petitioner, as per salary slip, is getting ₹68,156/- and authorities are deducting ₹24,483/- towards maintenance of his wife and son. The amount deducted towards maintenance is not exorbitant rather it is just and fair.

6. I have heard the arguments of learned counsels for both sides and perused the record with their able assistance.

7. From the reading of Section 61 of 2007 Act read with 2009 Rules, it is evident that Commandant is competent to deduct amount towards maintenance of wife and children from the salary of an officer. The petitioner is not disputing power of the authorities, however, he is disputing quantum of deduction. The petitioner, as per salary slip, is getting salary ₹68,156/- and respondents are deducting ₹24,483/- for the maintenance of his wife and

minor son. This Court finds that deduction of ₹24,483/- is less than 40% which cannot be called as exorbitant or unreasonable.

8. In the above premise, this Court is of the considered opinion that present petition *sans* merit and deserves to be dismissed. Accordingly dismissed.

(JAGMOHAN BANSAL)
JUDGE

01.03.2024
Mohit Kumar

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>