

(2013) 07 P&H CK 0796
In the Punjab And Haryana At Chandigarh
Case No : Civil Revision No. 5042 of 2001

Surinder Singh

APPELLANT

Vs

Punjab State Electricity Board and Another

RESPONDENT

Date of Decision : 30-07-2013

Acts Referred:

Civil Procedure Code, 1908 (CPC) — Section 115

Citation : (2013) 07 P&H CK 0796

Hon'ble Judges : L.N. Mittal, J

Bench : Single Bench

Final Decision : Dismissed

Judgement

L.N. Mittal, J.—None is appearing for the petitioner inspite of his counsel having been informed by the office. None had either appeared for the petitioner on the preceding date of hearing. None is either appearing for the respondents. Consequently, I have perused the case file. Decree holder Surinder Singh has filed this revision petition u/s 115 of the CPC impugning order dated 27.2.2001 passed by the executing court thereby dismissing the execution petition filed by the petitioner.

2. Suit of the petitioner claiming benefit of military service since 26.10.1962 till 15.4.1967 for 4 years 5 months 21 days was decreed. The petitioner had joined as Lineman on 5.10.1967 under the respondents (Electricity Board). The petitioner filed execution petition. The respondents/judgment debtors pleaded that revised pay scale of Lineman at the relevant time in October, 1967 was Rs. 110-5-130-7-200-10-250 and accordingly basic pay of the petitioner was revised by giving him the benefit of four increments relating to military service and his starting basic pay was fixed at Rs. 130/- instead of starting basic pay of Rs. 110/- by giving 4 annual increments of Rs. 5/- each. Consequential amount of arrears also stood paid to the petitioner. His pension was also accordingly revised.

3. The petitioner claimed basic pay of Rs. 180/- as Lineman. However, the said

claim has been rightly declined by the executing court as there is no basis for the said claim of the petitioner. Starting basic pay of Lineman was Rs. 110/- and on account of benefit of military service, he was entitled to four increments of Rs. 5/- each which was granted to him thereby raising his basic pay to Rs. 130/-.

4. The petitioner also claimed some back wages but the decree was for declaration only. On the other hand, arrears of increments granted to the petitioner towards benefit of military service have already been paid to him and his pension has also been revised. In these circumstances, the execution petition has been rightly dismissed by the executing court. For the reasons aforesaid, I find no perversity, illegality or jurisdictional error in impugned order of the executing court so as to warrant interference by this Court in exercise of limited revisional jurisdiction. The revision petition is devoid of merit and is accordingly dismissed.