

Court No. - 1

Case :- SPECIAL APPEAL DEFECTIVE No. - 778 of 2023

Appellant :- Pradeshik Cooperative Dairy Federation Ltd. Lko. Thru.
Chairman And Another

Respondent :- Gauri Shankar Goswami And Another

Counsel for Appellant :- Lalit Shukla

Counsel for Respondent :- Nirbhay Kumar Singh

Hon'ble Attau Rahman Masoodi,J.

Hon'ble Om Prakash Shukla,J.

(C.M. Application No.1 of 2023)

1. Having regard to the averments made in the affidavit filed in support of the application seeking condonation of delay, we are satisfied that the delay has sufficiently been explained.

2. Accordingly, the application is allowed and delay in filing the special appeal is hereby condoned.

Order on Memo of Appeal

3.The special appeal has arisen out of the judgement/order dated 24.05.2023 passed in Writ-A No.3516 of 2023 whereby the writ court having appreciated the fact that some proceedings under Section 65/68 of the Co-operative Societies Act, 1965 are pending against the respondents, wherein, no final order has been passed,therefore, the benefit of promotional pay-scale after completion of the requisite service period may be allowed in favour of the respondents. The consequential payment has been ordered alongwith interest @ 6% per-annum.

4. Learned counsel for the appellant has argued that though the direction issued by the writ court insofar as the payment of the benefit arising from fixation of the promotional pay scale is concerned, the same has been granted and released in favour of the respondent but the challenge in the appeal is restricted only to the extent of 6% interest.

5. Learned counsel for the appellants has placed reliance upon a division bench judgement of this Court wherein the interest was exempted by this Court having regard to the financial crunch faced by the appellant organisation. The same ground is reiterated by the appellant in the present proceedings.

6. The benefit of promotional pay-scale has already been granted and the appellant undertakes to make the payment without any delay.

7. In these circumstances, the payment of interest on the amount due shall stand exempted. The payment made shall be subject to the outcome of pending proceedings.

8.It is ordered accordingly. The special appeal is disposed of.

Order Date :- 10.10.2023/Shahnaz