

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

LPA No. 1560 of 2013 (O&M)

DATE OF DECISION : 07.09.2015

Kewal Singh Panesar

.... APPELLANT

Versus

Punjab Agricultural University, Ludhiana and others

.... RESPONDENTS

CORAM :- HON'BLE MR. JUSTICE SATISH KUMAR MITTAL

HON'BLE MRS. JUSTICE SNEH PRASHAR

Present : Mr. Vikas Bahl, Senior Advocate, with
Mr. Parwinder Singh, Advocate,
for the appellant.

Mr. Gaurav Grover, Advocate,
for the respondents.

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SATISH KUMAR MITTAL, J. (Oral)

This intra-court appeal under Clause X of the Letters Patent has been filed against the order dated 23.01.2012 passed by the learned Single Judge, whereby the writ petition (CWP No. 19069 of 2002) filed by the appellant was disposed of with a direction to the respondent University to grant him the benefit of past service with consequential relief, within a period of six months from the date of receipt of certified copy of the order. Though necessary relief has been granted to the appellant by the learned Single Judge, but his grouse is that no interest was granted by the learned Single Judge on account of delayed payment.

Though there is delay of 550 days in filing the appeal and the appellant has filed application (CM No. 3969-LPA of 2013) for condoning the said delay, yet we have heard learned counsel for the appellant on merits and have gone through the impugned order passed by the learned Single Judge.

After hearing learned counsel for the parties, in the facts and circumstances of the case, we do not find any ground to direct the respondent University to pay interest to the appellant on account of delayed payment. Undisputedly, in this case, in view of the direction issued by the learned Single Judge, an amount of ₹ 7,82,694/- towards General Provident Fund with one year interest was paid to the appellant on 21.12.2012. Further, a sum of ₹ 57,127/- on account of gratuity was released to the appellant in December, 2012 and another sum of ₹ 11,25,629/- on account of pension was released to him on 01.01.2013. Thus, the entire amount was paid to the appellant, as per the impugned order and nothing is due to him. In the order passed by the learned Single Judge, no direction was issued to pay interest to the appellant, though a specific prayer was made by the appellant for grant of interest. Therefore, the prayer for grant of interest is deemed to have been declined. Secondly, the appellant retired in the year 2002 and his writ petition with regard to direction to count his past service was allowed on 23.01.2012, and on account of counting the past service, additional amount became due was released to him, as per the direction

issued by the learned Single Judge. In these facts, there is no ground to interfere in this appeal and direct the respondent University to pay any interest to the appellant on the aforesaid amount, which was released as per the direction of the learned Single Judge. The learned Single Judge, in exercise of its discretion, did not grant any interest on account of delayed payment. Thus, we do not find any ground to interfere in the said discretion of the learned Single Judge.

Dismissed.

(SATISH KUMAR MITTAL)
JUDGE

September 07, 2015
jitender/ndj

(SNEH PRASHAR)
JUDGE