

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

RSA No.3754 of 2013 (O&M)

Date of decision : 04.08.2015

Uttar Haryana Bijli Vitran Nigam Ltd., Panchkula & others

...Appellants

versus

Abhey Ram

...Respondent

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. P.S.Poonia, Advocate for the appellants.

None for the respondent.

RITU BAHRI, J (Oral)

CM-10129-C-2013

There is a delay of 08 days in filing the appeal.

For the reasons mentioned in the application, the same is
allowed and the delay of 08 days in filing the appeal is condoned.

CM stands disposed of.

RSA No.3754 of 2013

The appellant Uttar Haryana Bijli Vitran Nigam Ltd. & others have come up in appeal against the judgments of the trial Court dated 10.06.2011 and the lower appellate Court dated 31.05.2013, whereby the suit of the plaintiff has been decreed directing the appellants/defendants to release payment of Rs.95,888/- along with interest @ 18% per annum.

The respondent/plaintiff had retired from the service on 31.07.2006 after rendering more than 38 years of service. He was entitled to the gratuity to the tune of Rs.2,84,163/- but only a sum of

Rs.1,88,275/- was paid and a sum of Rs.95,888/- was withheld. This amount was withheld without issuing any notice and no enquiry was ever conducted against him. Both the Courts, after going through evidence led by the parties, have returned a concurrent finding of fact that no notice whatsoever was ever served upon plaintiff while withholding of Rs.95,888/- and no opportunity of being heard was afforded to the plaintiff. The suit of the plaintiff has been decreed in view of the judgment passed in the case of **1995 (1) RSJ 221 & 222 K.C.Gupta Vs. State of Haryana & anr.** wherein it has been held that the retiral benefits payable to the civil employees cannot be denied by the authority of law. The trial Court had decreed the suit with 18% interest, however, on appeal the lower appellate Court has modified the judgment and decree of the trial Court and the plaintiff has been held entitled to claim 9% interest with effect from 01.08.2006 as he had retired on 30.07.2006.

Counsel for the respondent has informed this Court that during the execution the amount due to the respondent has since been paid by the defendants. Since the gratuity had been withheld without conducting any enquiry, the judgments of both the Courts do not require any interference and no substantial question of law arises in this appeal for adjudication.

Dismissed.

04.08.2015
Vinay

(RITU BAHRI)
JUDGE