

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

R.S..A. No. 1629 of 2015 (O&M)

Date of decision : 29.04.2015

State of Punjab & ors.

...Appellants

versus

Ranjit Chander

...Respondent

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Vaibhav Sharma, DAG, Punjab

RITU BAHRI , J. (Oral)

C.M. No. 4532-C of 2015

For the reasons mentioned in the application, delay of 55 days in filing the appeal is hereby condoned.

The application stands disposed of.

R.S..A. No. 1629 of 2015

State has come up in Regular Second Appeal against the concurrent finding recorded by both the Courts below whereby the suit of the plaintiff-respondent was decreed.

Both the Courts have recorded a finding that on account of delayed payment by DCRG amounting to Rs.30,396/-, the respondent has been held entitled to get his delayed payment of retiral benefits without any deduction along with interest @ 18 % per

annum from the date of retirement till the actual realization of the amount. The suit has been decreed keeping in view the judgment of Hon'ble the Supreme Court in a case of ***R. Kapoor vs. Director of Inspection (Printing and Publication), 1995(1) RCJ 71*** wherein it was held that DCRG cannot withheld merely because the claim for damages for unauthorized occupation is pending and he should have been granted/awarded interest @ 18% per annum where the payment on retirement or seen thereafter, has not been made.

The sole argument of learned counsel for the appellant that the interest is on the higher side, is rejected in view of the above mentioned judgment.

The judgments passed by both the Courts below do not require any interference by this Court. No substantial question of law arises for consideration.

The regular second appeal is dismissed.

(RITU BAHRI)
JUDGE

29.04.2015

G Arora