

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

**RSA No.2519 of 2015 (O&M)
Date of decision : 29.06.2015**

Executive Engineer, Panchayat Samiti, Fazilka ...Appellant

versus

Vinod Rani & others ...Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Rajesh Narang, Advocate for the appellant.

RITU BAHRI, J (Oral)

CM No.6541-C of 2015

There is a delay of 33 days in filing the appeal.

For the reasons mentioned in the application, the same is
allowed and the delay of 33 days in filing the appeal is condoned.

CM stands disposed of.

RSA No.2519 of 2015

The appellant, Panchayat Samiti, Fazilka has come up in regular second appeal against the judgment of the trial Court dated 20.07.2013 and the lower appellate Court dated 06.01.2015, whereby the suit of the plaintiff/respondent No.1-Vinod Rani has been decreed for payment of 9% interest on the amount of Rs.1,10,791/- which was wrongly deducted from her gratuity at the time of her retirement along with interest @ 9% per annum.

Counsel for the appellant states that the deduction was made at the time of retirement from the gratuity on account of some wrong fixation of pay. This deduction could not be made in view of the judgment given by this Court in the case of **Budh Ram & Ors. Vs. State of Haryana & Ors.** in civil writ petition No.2799 of 2008 decided on 22.05.2009.

The lower appellate Court had modified the decree of the trial Court with regard to payment of emoluments to be paid to the plaintiff for her non-participation of any such strike dated 08.02.1978. After going through the judgment passed by the lower appellate Court, no ground is made out to interfere as the amount deducted from the gratuity was liable to be paid to the plaintiff and the suit was rightly decreed for payment of Rs.1,10,791/- which was wrongly deducted from the gratuity of the plaintiff.

Dismissed.

29.06.2015
Vinay

(RITU BAHRI)
JUDGE