

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

R.S.A No. 103 of 2014 (O&M)
Date of decision:- 20.03.2015

P.S.E.B and others

...Appellants

Versus

Kirpal Singh Bhatia

...Respondent

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present:- Mr. Parminder Singh Advocate
for the appellants.

RITU BAHRI J.

Punjab State Electricity Board has come up in regular second appeal, which is directed against the judgment and decree dated 16.07.2013 passed by the learned Addl. District Judge (Fast Track Court) Patiala and judgment and decree dated 14.12.2009 passed by learned Civil Judge, Senior Divn. Patiala.

Kirpal Singh Bhatia-plaintiff/respondent (for short 'the respondent') filed a suit against the appellants/defendants (for short 'the appellant') directing them to release the gratuity on his retirement under pre-mature retirement regulations 1982. The respondent joined the department of appellant as L.D.C on 09.06.1965. He was promoted as Supdt. Accounts on 11.11.1994. The respondent got his pre-mature retirement on 31.03.2003 vide office order dated 21.03.2003 from the office of Chief

Accounts Office of PSEB, Patiala. He obtained a loan of Rs.1,10,000/- vide office order dated 23.10.1992 and another amount of Rs,43,750/- on 14.12.1993 for purchasing a built up house. The respondent moved an application to purchase plot and to construct a house thereupon, which was granted to him and he purchased 9 marlas of plot vide vasika No. 5794 dated 21.01.1986. The respondent had paid regular installments and have re-paid the principal amount. A scooter loan was also obtained by the respondent on 26.10.1995, which has also been repaid but the appellants are withholding the gratuity of the respondent.

The appellant-Board contested the suit by filing written statement submitting therein that the respondent has received all his dues without protest and the suit was not maintainable. However, they admitted that the respondent joined as L.D.C on 09.06.1965 and got his premature retirement on 31.03.2003. Further it has been stated that the respondent has paid all his dues. It has been stated that a sum of Rs.1,19,986/- was payable to the appellant-Board, which is outstanding against the respondent. This amount had been deducted from the gratuity of the respondent. Earlier the suit of the respondent was dismissed by the then learned Civil Judge, vide judgment dated 21.07.2006 and the appeal was filed against this judgment and the lower Appellate Court while disposing of the appeal

on 01.05.2009, remanded the matter back to the trial Court holding that the Court has not expressed its opinion on the merits and have rejected the suit on mere technicalities.

Thereafter, the trial Court vide judgment dated 14.12.2009 decreed the suit of the respondent in his favour directing the appellants to pay amount of interest @12% per annum on the gratuity amount, which was wrongly withheld from the date it was due till it was actually released.

An appeal was filed against this judgment by the respondent and the Lower Appellate Court modified the judgment dated 14.12.2009 to the extent that the amount of Rs.1,19,986/- be refunded to the respondent along with interest @ 12% per annum from the date of said deduction.

This clarification was required as the appellants in their written statement before the trial Court had stated that the entire loan amount has been paid by the respondent by installments. The scooter loan was taken by the respondent on 26.10.1995, which was also been repaid.

Since the loan amount has been repaid by the respondent, there was no reason to deduct Rs.1,19,986/- from his gratuity.

Since the appellant-Board had stated before the Courts that the entire loan amount had been repaid by the respondent, the judgments passed by both the Courts below, calls for no interference. No substantial question of law

arises for adjudication by this Court.

Accordingly, regular second appeal is dismissed.

March 20, 2015
G Arora

(RITU BAHRI)
JUDGE