

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

**C.M. NOS.14097-14099 & 15076 C OF 2014 &
R.S.A. NO.5941 OF 2014**

DATE OF DECISION: OCTOBER 14, 2015

Managing Director, Confed, Chandigarh and another

.....Appellants

VERSUS

D.P.Sharma

....Respondent

CORAM:- HON'BLE MR.JUSTICE AUGUSTINE GEORGE MASIH

1. Whether Reporters of local papers may be allowed to see the judgement?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

**Present: Mr. Amit Jaiswal, Advocate,
for the appellants.**

**Mr. J. K. Goel, Advocate,
for the respondent.**

AUGUSTINE GEORGE MASIH, J. (ORAL)

C.M. No.14097 C of 2014

**Present is an application for condonation of delay of 5 days in
filing the appeal.**

**For the reason mentioned in the application, which is supported
by an affidavit of Clerk of the counsel, the application is allowed and delay
of 5 days in filing the appeal is condoned.**

C.M. Nos.14098 & 15076 C of 2014

**In both the applications, the appellants have prayed for placing
on record order dated 07.03.2011 (Annexure A-1) as additional evidence.**

However, the appellants cannot be permitted to place on record order dated 07.03.2011 (Annexure A-1) as additional evidence, particularly when no specific reason has been assigned for not producing the said order at the time when the evidence was led by them.

In view of the above, both the applications stand dismissed.

C.M. No.14099 C of 2014 & R.S.A. No.5941 of 2014

After hearing learned counsel for the parties on merits, I do not find any perversity or illegality in the judgements and decree passed by the Courts below. No ground is made out to interfere in the concurrent findings, which are recorded by the Courts below after properly appreciating the evidence.

No question of law, much less a substantial question of law, is involved in the present appeal. Therefore, finding no merit in the present appeal, the same stands dismissed.

Since the main appeal stands dismissed, C.M. No.14099 C of 2014, seeking stay of operation of the impugned judgements and decree is also dismissed.

At this stage, counsel for the appellants asserts that the interest @ 12% per annum on the delayed payment of retiral benefits, which has been ordered to be paid to the respondent-plaintiff by the Courts below, is on higher side. However, counsel for the respondent opposed the same.

After hearing learned counsel for the parties, in view of circular dated 20.02.2002 as issued by the Government of Haryana, Finance Department, which mentions that where there is delay qua the payment of retiral benefits, the interest to be paid is 9.5%, which amount has been duly calculated by the appellant-defendants and even inadvertently draft of the

same was handed over to counsel for the respondent whereas it was required to be deposited with the Registrar of this Court.

In view the above, the judgements and decree passed by the Courts below is modified to the extent that the interest payable shall be @ 9.5% from the date it became due till the date of disbursement.

Counsel for the respondent is directed to hand over the draft to counsel for the appellants, who undertakes to submit the same with the Registrar of this Court today itself. The respondent-plaintiff would be entitled to withdraw the said amount from this Court.

October 14, 2015
khurmi

(AUGUSTINE GEORGE MASIH)
JUDGE