

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

**CWP No. 5640 of 2015**

**Date of Decision: 03.10.2016**

***BHARPUR SINGH***

***...Petitioners***

***V/S***

***STATE OF PUNJAB AND ANR***

***... Respondents***

**CORAM:    HON'BLE MR. JUSTICE KULDIP SINGH**

Present:     Mr. K.B. Sidhu, Advocate,  
                     for the petitioner.

                     Mr. Rajat Bansal, AAG, Punjab.

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**KULDIP SINGH, J (ORAL)**

The petitioner has filed this writ petition filed under Articles 226/227 of the Constitution of India for issuance of writ of mandamus directing the respondents to grant interest on the delayed payment of arrears of pension.

Suffice to say that the petitioner had filed a Civil Suit before the learned Senior Sub Judge, Ludhiana, claiming certain grade from the date of his appointment. On 27.09.1997, his suit was dismissed by the trial Court. However, the appellate Court on 10.11.1998 allowed the appeal and decreed the suit. The relevant extract of the said judgement is reproduced as under: -

*“It is hereby ordered that the judgment and decree, in appeal, cannot sustain, it is reversed and the suit of the plaintiff is decreed with costs throughout to the effect that plaintiff/appellant will be given grade of Rs. 120-200 from the date of his appointment with consequential benefits. However, he shall be given arrears of the enhanced pay only from 22.05.1990 i.e. prior to three years of this suit.”*

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The regular second appeal bearing No. R.S.A. No. 2017 of 1990, filed against the aforesaid judgment of first appellate court was dismissed by this Court on 03.03.2000 (*Annexure P-3*).

The contention of the learned counsel for the petitioner is that the consequent to the grant of grade to the petitioner, the arrears should have been paid alongwith interest which has not been ordered to be paid, therefore, this writ petition is for grant of interest on delayed payment of arrears.

I am of the view that once the Civil Court decree has passed, the terms of the payment of interest on the arrears are governed by the said decree. If the interest on the arrears has not been granted by the Civil Court, the same is deemed to have been declined. If the petitioner wanted the interest on the arrears, he should have claimed the same before the Civil Court itself. After declining of his prayer for payment of interest by the Civil Court, he cannot maintain a separate writ petition claiming the interest on the said arrears.

In view of the above, the present petition stands dismissed.

**[ KULDIP SINGH ]**  
**JUDGE**

**October 3, 2016**  
Suresh Kumar

|                                           |                   |                 |                  |
|-------------------------------------------|-------------------|-----------------|------------------|
|                                           | ✓                 |                 |                  |
| <b><i>Whether speaking / reasoned</i></b> | <b><i>Yes</i></b> | <b><i>/</i></b> | <b><i>No</i></b> |
|                                           |                   |                 | ✓                |
| <b><i>Whether Reportable</i></b>          | <b><i>Yes</i></b> | <b><i>/</i></b> | <b><i>No</i></b> |