

In the High Court of Punjab and Haryana at Chandigarh

1. Regular Second Appeal No. 1073 of 2013 (O&M)
Date of Decision: 19.2.2016.

State of Punjab and othersAppellants

Versus

SantoshRespondent

2. Regular Second Appeal No. 1074 of 2013 (O&M)

State of Punjab and othersAppellants

Versus

SantoshRespondent

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. Neeraj Yadav, AAG, Punjab.

Ms. G.K.Mann, Advocate
for the respondent.

SABINA, J.

Vide this order, above mentioned two appeals would be disposed of as they have arisen out of the same suit.

Respondent-plaintiff had filed suit for mandatory injunction directing the defendants to grant benefit of proficiency step up to Parkash Lal (since deceased) with effect from 1.1.1986 i.e. on completion of his eight and eighteen years of service. Respondent further claimed that defendants be directed to release all the pensionary benefits to her.

Case of the respondent, in brief, was that Parkash Lal was working with the appellants as Forest Guard. Parkash Lal was

to retire on 30.11.2001. Parkash Lal fell from the roof of his house and suffered serious injuries. Parkash Lal remained unconscious for a long time and died on 4.1.2002. In fact, two proficiency step up/increments were liable to be granted to Parkash Lal on completion of his 8/18 years of service. However, the said relief had been declined to Parkash Lal vide the impugned orders. It was further the case of the respondent that the pensionary benefits had not been released to her.

Case of the appellants, in their written statement, was that proficiency step up benefit was not granted to Parkash Lal as he was not found eligible and in this regard, necessary orders were passed. It was also denied that there was any delay in disbursement of pensionary benefits.

On the pleadings of the parties, following issues were framed by the Trial Court:-

- “1. Whether the plaintiff is entitled to mandatory injunction prayed for ? OPP*
- 2. Whether the plaintiff is entitled to declaration prayed for ? OPP*
- 3. Whether the plaintiff has no cause of action to file the present suit ? OPD*
- 4. Whether present suit is not maintainable ? OPD*
- 5. Relief.”*

Trial Court vide judgment/decreed dated 8.9.2009 partly decreed the suit of the respondent and directed the defendants to pay interest at the rate of 9% per annum on account of delay in payment of pensionary benefits. Aggrieved against the said

judgment and decree, appellant as well as respondent preferred appeals. The First Appellate Court vide judgment/decreed dated 24.1.2012 held as under:-

“47. In the totality of fact and circumstances discussed in foregoing paragraphs, the impugned judgment and decree with regard to first aspect of grant of proficiency steps up on completion of 8 and 18 years service to Parkash Lal is set aside and the respondents are directed to reconsider the matter within three months from today, as observed above. Similarly, the observation of learned Court below with regard to payment of interest on delayed payment of pensionary and retirement benefits to appellant is modified and the respondents are directed to pay interest on delayed payment of pensionary and retirement benefits to the appellant w.e.f. 01/12/2001 within three months from today.

47. With these observations, the Civil Appeal No. 184 of 09/10/2009 filed by appellant Smt. Santosh is partly accepted whereas Civil Appeal No. 156 of 10/10/2009 filed by respondents is dismissed. Copies of these judgments be placed upon both files.”

Hence, the present appeals by appellants-defendants.

Learned State counsel has submitted that so far as the present appeals are concerned, the question that requires consideration is only to the effect as to whether the appellants are liable to pay interest to the respondent on account of delayed payment of pensionary benefits. Learned counsel has submitted

that in fact, there was no delay on the part of the appellants with regard to disbursement of pensionary benefits. The respondent had not filed the requisite papers for release of pensionary benefits. After the papers were submitted by the respondent, all the pensionary benefits were released to the respondent upto July 2003.

Learned counsel for the respondent, on the other hand, has submitted that husband of the respondent had retired on 30.11.2001 whereas the payment of pensionary benefits was released to her upto July 2003. Thus, the respondent was entitled to receive interest on account of the delayed payment of pensionary benefits.

In the present case, it is not in dispute that Parkash Lal, husband of the respondent, had retired on 30.11.2001. It is also not in dispute that before his retirement, Parkash Lal was on medical leave as he had met with an accident on 30.8.2001. Ultimately Prakash Lal died on 4.1.2002. Pensionary benefits were released to the respondent upto July 2003. Since there was delay in release of the pensionary benefits to the respondent, the Courts below rightly held that respondent was entitled to receive interest on account of delay in payment of pensionary and retiral benefits.

No substantial question of law arises in these appeals warranting interference by this Court.

Accordingly, both the appeals are dismissed.

(SABINA)
JUDGE

February 19, 2016
Gurpreet