

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

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**E.A. 28 of 2013 in
CWP No. 8394 of 1991(O&M)
Date of decision:08.11.2016**

D.S.Shamsher

.... Petitioner

Versus

Punjab and Sind Bank

.... Respondents

CORAM: Hon'ble Mr. Justice P.B. Bajanthri

Present: Mr. Adarsh Jain, Advocate for the applicant-petitioner.

R.Kartikeya, Advocate for the respondents.

P.B. Bajanthri, J. (Oral)

Grievance of the petitioner is that in CWP No. 8394 of 1991 this court has directed the respondents to release the gratuity and leave encashment and other benefits which are due to the petitioner to his legal representatives within 2 months on 05.09.2011. He has filed execution application contending that the respondents have not paid the gratuity and the leave encashment and other benefits including interest. Hence the execution application.

Learned counsel for the applicant in the execution application No. 28 of 2013 submitted that the respondents have settled the gratuity and leave encashment i.e. principal amount during pendency of the execution application. Now question for consideration is whether in the execution

application, this court can decide regarding entitlement of interest on the gratuity and leave encashment or not? Scope of entertaining execution application is limited whether relief granted in writ petition is granted or not. Insofar as interest is concerned which has not been ordered while passing order on 05.09.2011 in CWP No. 8394 of 1991, therefore, nothing survives in the execution application. However, reserving liberty to the petitioner to make necessary representation to the respondents to seek interest on the belated settlement of gratuity and leave encashment and other benefits. If such representation is made, the respondents are directed to consider the same in accordance with law.

08.11.2016

pooja saini

**(P.B.BAJANTHRI)
JUDGE**

Whether speaking/reasons

Yes/No

Whether Reportable:

Yes/No