

LPA no.1633 of 2015 (O&M) 1

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

LPA no.1633 of 2015 (O&M)

Date of Decision : 05.05.2017

Punjab State Transmission Corporation Ltd. And another

....Appellant(s)

Versus

Sohan Singh and another

...Respondent(s)

**CORAM : HON'BLE MR.JUSTICE MAHESH GROVER
HON'BLE MR JUSTICE DR. SHEKHER DHAWAN**

Present : Ms.Promila Nain, Advocate for the appellants

Mr.S.K.Rattan, Advocate for respondent no.1

MAHESH GROVER, J.(ORAL)

The only grievance that the appellants have raised is regarding imposition of interest and costs. The learned Labour Court had awarded 8% interest w.e.f 1.1.2004 till 2011, the date of passing of the award. Learned Single Judge while upholding the award of the Labour Court opined that if the principal amount alongwith interest at the rate of 8% per annum is not paid within 30 days it will carry interest at the rate of 24% per annum. Costs to the tune of Rs. 33,000/- were also awarded.

After hearing learned counsel for the parties on the aforesaid aspect, we are of the opinion that there is no doubt that the workman has been agitating his rights for an inordinately long period and benefits have been denied to him unjustifiably. We also noticed that the principal amount has been deposited. The only issue regarding rate of interest and costs would

have to be adjudged from the point of equity. We are of the opinion that

interest at the rate of 24% per annum in case of default beyond 30 days is oppressive to appellants but at the same time we cannot lose sight of the facts that workman struggled for his benefits. Consequently, we deem it appropriate to mould the equitable relief to mean that the principal amount as awarded by the Labour Court and affirmed by the learned Single Judge would be maintained but would carry an interest at the rate of 8% per annum from 1.1.2004 till the date of deposit of principal amount. The costs of litigation are, however, sustained.

We do not find any reason to interfere on merits of the case as learned Single Judge has rightly appreciated entitlement of the workman to 221 days of earned leave.

With the aforesaid observations, instant appeal is disposed of.

(Mahesh Grover)
Judge

05.05.2017

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Whether speaking/reasoned

Whether reportable

Yes/No

Yes/No

(Shekher Dhawan)
Judge