

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Letters Patent Appeal No.1755 of 2016 (O&M)

Date of Decision: April 05, 2017

Satyavir Singh Poonia

.....Appellant

versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT.

HON'BLE MR.JUSTICE SUDIP AHLUWALIA.

Present: Mr.D.R.Bansal, Advocate, for the appellant.

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Surya Kant, J. (Oral)

This letters patent appeal is directed against the order dated 01.08.2016 whereby learned Single Judge though upheld the recovery of Rs.92,545/- from the appellant but has held him entitled to interest @9% per annum on the delayed payment of retiral benefits.

The appellant was working as Sub Divisional Officer in the Irrigation Department, Haryana and he retired on attaining the age of superannuation on 31.08.2013. It is undeniable that in view of the decision of this Court dated 21.10.2011 in **CWP No.16747 of 2001 (B.C.Jain and others versus State of Haryana and others)** which was duly upheld by the Hon'ble Supreme Court, the pay of the appellant and similarly placed Engineers was required to be re-fixed. The order of re-fixation was passed on 18.04.2013 well before the retirement of appellant and recovery was also effected before the retirement. Learned Single Judge has found no illegality in the order of recovery.

We have heard learned counsel for the appellant and gone

The action taken by the Department in compliance to the judicial mandate cannot be faulted with, moreso when it has attained finality. As regard to retiral benefits, most of the payments were made to the appellant on or before 03.03.2014. Though there is no extra-ordinary delay yet the learned Single Judge has compensated the appellant with 9% per annum interest payable after expiry of three months of retirement. Some reasonable period, say, three months has to be granted to the authorities to settle the accounts on retirement.

Reliance placed by the appellant on the decision of Hon'ble Supreme Court in State of Punjab versus Rafiq Masih (2015) 4 SCC 334 is misplaced as the said decision applies only in case of post-retirement recoveries against Class-III or IV employees. The appellant was a Gazetted officer and as such his case is distinguishable.

No case to interfere with the order under appeal is made out.

Dismissed.

[SURYA KANT]
JUDGE

April 05, 2017
mohinder

[SUDIP AHLUWALIA]
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No