IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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RSA No.2876 of 2014 (O&M)
Date of Decision : 07.11.2017

Punjab State Power Corporation Limited ...... Appellant

Versus

Vijay Kumar Verma ...... Respondent

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

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Present : Ms. Jaspal Kaur Gurna, Advocate for the appellant.

Mr. Kuljeet Singh, Advocate for the respondent.

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AJAY TEWARI, J. (Oral)

In this appeal the issue relates to the rate of interest which has to be paid for that portion of the pension which was wrongly denied to the respondent as well as the date from which that interest has to be paid.

At the time when the respondent retired on 30.04.2010, an inquiry was pending against him. The same was decided on 15.03.2012 and he was awarded the punishment of cut off 5% pension. During the pendency of the inquiry he was being paid 66% pension and after the conclusion of the inquiry he filed the instant suit claiming interest on the pending 29% alongwith 18% interest (apart from other reliefs which we are not concerned at present). The trial Court granted him 9% interest from 15.03.2012.

Both the parties filed an appeal and in that appeal apart from other reliefs the judgment of the trial Court was modified in so much as the interest rate was increased to 10% p.a. by the appellate Court and it was held payable w.e.f. a date 3 months after the date of retirement i.e. w.e.f. 01.08.2010.

Learned counsel for the appellant has prayed that the interest be levied only from the date when the charge sheet was decided and the rate be reduced to 7 ½% p.a.

Learned counsel for the respondent on the other hand has defended the appellate order.

In my opinion the arguments of both the learned counsel are too extreme. Once it can not be denied that punishment of 5% cut off pension was imposed it meant that the respondent was entitled to the remaining 95% of the pension.

In the circumstances, the due date for payment of the 29% ultimately found payable to the respondent had to be as fixed as per the Lower Appellate Court order i.e. three months after the date of retirement i.e. 01.08.2010. However, the interest which has been awarded by the lower appellate Court is on the higher side and that is reduced to 9% p.a.

Appeal stands disposed of in the above terms.

Since the main case has been decided, the pending civil miscellaneous application, if any, also stands disposed of.

(AJAY TEWARI)
JUDGE

07.11.2017
Pooja sharma-I

Whether speaking/reasoned - Yes/No

Whether reportable - Yes/No