

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

**RA No.226 of 2017 in
CWP No.13388 of 2011
Date of Decision: 1.05.2017**

Yashwant Rao Behmani

... Applicant

Versus

Punjab & Sind Bank & ors.

... Respondents

CORAM:- HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr. HC Arora, Advocate,
for the applicant/petitioner.

RAJIV NARAIN RAINA, J.(Oral)

Mr. Arora explains his absence stating that he had noted the wrong date and therefore could not appear on 3.3.2017 when the final order was passed in his absence. In the circumstances, I accept the explanation. The order was passed without his presence, and therefore I have heard him on the limited point of interest raised by him claiming that they deserve to be granted for delay in payment. I had considered this aspect by reasons recorded in para 8 of the final order dated 3.3.2017, which read as follows:-

“8. In his alternative prayer, the petitioner has asked interest on delayed release of superannuation benefits, but that prayer has to be rejected because he took his chances in litigation and refused to receive the amounts towards terminal benefits when he could easily have done so under protest and without prejudice to his rights against the removal order. Therefore, no interest is allowable on the principal amount.”

For those reasons interest was denied. Therefore, there is no question of reviewing that part of the order. It will remain subject to appeal.

Henceforth, main order dated 3.3.2017 will be treated as having been passed in the presence of Mr. Arora, having heard today on the point. However, as far as his claim for interest on gratuity amount for his client is concerned, he would be at liberty to move the authority under the Payment of Gratuity Act, 1972 or elect any other alternative remedy, if advised, to claim interest in accordance with law, if it allows.

The application is refused qua all other matters connected with the dispute.

1.05.2017
monika

(RAJIV NARAIN RAINA)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes</i>
<i>Whether reportable</i>	<i>No</i>