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

CR No. 4792 of 2018

Date of Decision: 16.10.2018

Haryana State Agricultural Marketing Board

-Petitioner

Vs

Ranvir Singh Chauhan and another

-Respondents

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Sandeep Moudgil, Advocate,
for the petitioner.

RAJ MOHAN SINGH, J. (ORAL)

The suit was decreed by the trial Court in favour of plaintiff-respondent No.1 vide judgment and decree dated 23.03.2009. Operative part of the judgment reads as under:-

*“Sequel to the findings on issues above,
the suit on behalf of the plaintiff is decreed with
no order as to costs and it is held the plaintiff is
entitled to step up his pay at par with his junior
Raghubir Parshad and he is also entitled to all
benefits of service and arrears alongwith
interest at the rate of 10% from the date when
his junior Raghubir Parshad was allowed the
same and is entitled for promotion as*

Accountant w.e.f. 10.11.2004 the date from which his junior Balvinder Singh was promoted, so the suit filed by the plaintiff is decreed with no order as to costs. Decree-sheet be prepared accordingly. File be consigned to the record room.”

The aforesaid judgment and decree was modified by the lower Appellate Court to the extent of increasing the rate of interest from 10% to 12% vide judgment and decree dated 26.02.2010.

Learned counsel for the petitioner submits that retiral benefits have already been paid to the decree holder and the interest component was only applicable to stepping up of pay at par with junior of the plaintiff namely Raghubir Parshad.

Perusal of the judgment and decree passed by the trial Court would show that the plaintiff was held entitled to step up his pay at par with his junior Raghubir Parshad and he was also held entitled to all benefits along with interest @ 10% from the date when his junior Raghubir Parshad was allowed. Plaintiff was held entitled for promotion w.e.f. 10.11.2004 i.e. the date from which his junior Balvinder Singh was promoted. The interest was thereafter increased from 10% to 12% by the lower Appellate Court.

Perusal of the decree would negate the argument of learned counsel for the petitioner that the interest was only confined to the stepping up component. Though RSA arising out of judgment and decree passed by the lower Appellate Court is pending but there is no stay granted in the appeal.

In view of above, I find no justification to interfere in the impugned order passed by the Executing Court.

This revision petition is accordingly, dismissed.

16.10.2018
Jyoti Yadav

(RAJ MOHAN SINGH)
JUDGE

1. Whether speaking/reasoned : Yes/No
2. Whether reportable : Yes/No