

CWP No.14398 of 2015

DECIDED ON: JANUARY 18, 2018

RAKSHA DEVI

.....PETITIONER

VERSUS

STATE OF PUNJAB & ORS

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Gagandeep Toni, Advocate
for the petitioner.

Mr. TPS Chawla, DAG, Punjab.

JASPAL SINGH, J (ORAL)

By virtue of instant petition preferred under Articles 226/227 of the Constitution of India, petitioner has sought a writ in the nature of mandamus directing the respondents to release the interest @ 18% per annum on the delayed payment of gratuity amounting to ₹97,738/- w.e.f. 01.01.2007 to 07.01.2015.

2. However, at the inception of arguments it has been emerged that challenge was to withheld the amount of gratuity to the tune of ₹97,738/- from the pensionary benefits of the petitioner through a civil suit before the Civil Court, Chandigarh which was partly allowed, vide judgment dated November 03, 2011 followed by an appeal preferred against the judgment dated November 03, 2011 was dismissed vide judgment and decree dated December 16, 2013. In

satisfaction of the judgment dated November 03, 2011, the amount which was withheld by the respondents from the gratuity was to be paid to the petitioner has since been deposited in his account. At the time of decreeing the suit, civil court did not grant the interest pendente-lite or future on the amount referred to above.

3. Now, through the instant petition petitioner has sought the grant of interest which is impermissible under law, if she was so aggrieved by the judgment and decree passed by Civil Court, she should have agitated or challenged the same before the Appellate Court, which has not been done in the instant case. Rather, on receipt of afore-said amount instant petition has been filed. Since the decree passed by the civil court stands satisfied, instant petition does not lie.

4. Accordingly, it stands dismissed.

JANUARY 18, 2018
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(JASPAL SINGH)
JUDGE

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