

IN THE HIGH COURT OF PUNJAB AND HARAYANA AT CHANDIGARH

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***RSA-4137-2014 &
CM-9606-C-2014 &
CM-2852-C-2017 &
CM-3990-C-2018***

Date of decision: 13.12.2018

PUNJAB STATE TRANSMISSION CORP LTD & ANR ...APPELLANTS

VS.

SWARAN SINGH

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Vikrant Sharma, Advocate,
for the Appellants.

Mr. M.S.Joshi, Advocate,
for the respondent.

AUGUSTINE GEORGE MASIH, J. (ORAL)

This appeal has been preferred by the Punjab State Transmission Corporation Ltd. challenging the judgment dated 06.10.2012 passed by the Civil Judge (Junior Division), Patiala, whereby the suit of the respondent-plaintiff was decreed partly declaring the order of the defendant reducing the pay w.e.f. 2.9.1998 from ₹10,350/- to ₹9400/- w.e.f. 21.9.1998 with further reductions up to 1.9.2006 from ₹13,300/- to ₹12,900/- and order for effecting recovery of ₹74,840/- being illegal, null and void, ultravires and unsustainable. Decree was also granted with regard to the entitlement of the respondent-plaintiff the fixation of pay at the stage of ₹10,350/- in the scale of 7750-9100/10350-13700 along with the consequential benefits and refund of recovery already effected with 18% per annum interest. Appeal preferred by the Punjab State Transmission

Corporation Ltd. was dismissed by the District Judge, Patiala on 24.01.2014.

Learned counsel for the appellants submits that the Courts below have not properly appreciated the circulars, which have been issued by the department, and have misread the same leading to the passing of the impugned judgments and decree by the Courts below. He contends that the benefit, which was given to the respondent-plaintiff, was wrongly given which he was not entitled to and on realizing the said mistake, remedial steps were taken by the appellants in the year 2007 which led to the reduction of the pay scale of the respondent-plaintiff as well as the recovery. He, on this basis, contends that the impugned judgments and decree passed by the Courts below deserve to be set aside.

That apart, he contends that the interest, which has been granted to the respondent-plaintiff @ 18% per annum, is excessive and, therefore, requires to be reduced. He, on this basis, contends that the present appeal deserves to be allowed by setting aside the impugned judgments and decree.

On the other hand, learned counsel for the respondent-plaintiff asserts that the findings, as recorded by the Courts below, are based upon proper appreciation of facts and evidence, which has been led by the parties. His assertion is that there are concurrent findings recorded by the Courts below which do not call for any interference by this Court. Grant of 18% interest to the respondent-plaintiff by the Courts below has also been supported by the counsel for the respondent by stating that illegal reductions in pay scale followed by the deduction and recovery were ordered and, therefore, the appellants are liable to pay interest to the respondent-plaintiff

who has suffered at the hands of the appellants.

I have considered the submissions made by the learned counsel for the parties and with their assistance, have gone through the impugned judgments.

On appreciating the pleadings and evidence of the parties, as discussed, this Court is satisfied that there has been no misreading of the evidence what to say of the circulars. It has been appreciated in the right prospective by the Courts below by giving the concurrent findings on all issues involved in the case. On merits, therefore, the judgments and decree passed by the Courts below do not call for any interference. However, as regards the interest, which has been granted to the respondent-plaintiff, the same is on the excessive side and, therefore, needs to be interfered with to reduce it to a reasonable rate especially in the light of the fact that there appears to be a misunderstanding on the part of the appellants while interpreting the circulars.

In view of the above, the interest, as granted to the respondent-plaintiff, is reduced from 18% per annum to 8% per annum. Except for this, the judgments and decree, as passed by the Courts below, are upheld.

Appeal stands disposed of accordingly.

In view of the disposal of the main appeal, all the pending applications stand disposed of as having been rendered infructuous.

December 13, 2018

pj

**(AUGUSTINE GEORGE MASIH)
JUDGE**

Whether speaking/reasoned: Yes/No

Whether Reportable : Yes/No