

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

RA-LP-38-2018 in LPA-1328-2015

Date of decision: 03.10.2018

Managing Committee Kamla Nehru College for Women

.....Applicant

Versus

Saroj Balram and others

.....Respondents

RA-LP-37-2018 in LPA-1330-2015

The Managing Committee, Guru Nanak College Sukhchainana Sahib

.....Applicant

Versus

Satnam Singh and others

.....Respondents

RA-LP-34-2018 in LPA-1332-2015

Guru Nanak College Sukhchainana Sahib

.....Applicant

Versus

State of Punjab and others

.....Respondents

RA-LP-36-2018 in LPA-1329-2015

Kamla Nehru College for Women

.....Applicant

Versus

State of Punjab and others

.....Respondents

RA-LP-35-2018 in LPA-848-2016

Ramgarhia Education Council and others

.....Applicant

Versus

State of Punjab and others

.....Respondents

**CORAM: HON'BLE MR. JUSTICE A.B. CHAUDHARI
 HON'BLE MR. JUSTICE KULDIP SINGH**

Present: Mr. Rahul Sharma, Advocate
for the applicant-appellant.

A.B. CHAUDHARI, J.

By way of this common order, above said all the Review Applications are being disposed of .

Learned counsel for the review applicant(s) vehemently argued that concession by the review applicant(s) through its counsel in the matter was Conditional one namely that the employees/respondents who agree to forego the leave encashment *in toto* but this Court has made use of said concession rendered in the judgment under review in part and therefore, the Review Applications are required to be entertained.

We have heard learned counsel for the review applicant(s). Order dated 27.10.2016 recording concession of the applicant(s) reads thus:-

“Learned counsel for the appellants states that pursuant to the order dated 27.09.2016 of this Court, the Management has agreed to release the arrears of enhanced amount of gratuity, provided that the respondents forego the interest claim as awarded by the learned Single Judge.

Learned counsel for the contesting respondents seek time to have instructions.

List on 13.12.2016.

Let a copy of this Court be placed in the files of connected matters.”

The above order clearly shows that the concession that was recorded against the condition of the respondents-employees foregoing the claim of the interest as awarded by learned Single Judge.

Learned Single Judge had awarded the interest to the extent of 9%

retrospectively. This Court had therefore set aside the part of the impugned judgment granting interest in consonance with the aforesaid order recording concession.

However, this Court granted simple interest at 4% p.a. only for a period of 12 months reversing the order made by learned Single Judge granting interest for a long period. Thus Court has recorded a finding that interest for 12 months only at 4% p.a. was being granted by exercising the power of Section 34 of the Civil Procedure Code. The reason given was that the matter remained pending before this Court for a number of years and therefore, striking the balance, this Court was entitled to make an order under Section 34 CPC only for 12 months period at a normal rate of interest i.e. 4% as saving bank interest.

We, therefore, do not find any merit in the Review Application and hence, make the following order:-

ORDER

- (i) RA-LP-38-2018 in LPA-1328-2015, RA-LP-37-2018 in LPA-1330-2015, RA-LP-34-2018 in LPA-1332-2015, RA-LP-36-2018 in LPA-1329 2015 and RA-LP-35-2018 in LPA-848-2016, are dismissed.

(A.B. CHAUDHARI)
JUDGE

(KULDIP SINGH)
JUDGE

03.10.2018
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Whether speaking/ reasoned: Yes/No
Whether Reportable: Yes/No