

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

LPA-462-2019 (O&M)
Date of decision:- 27.05.2019

Shobha Ram Raturi

...Appellant

Versus

Uttar Haryana Bijli Vitran Nigam Limited, Panchkula and
others

...Respondents

CORAM: HON'BLE MR. JUSTICE KRISHNA MURARI, CHIEF JUSTICE
HON'BLE MR. JUSTICE ARUN PALLI

Present:- Mr. Sandeep Singal, Advocate,
for the appellant.

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KRISHNA MURARI, C.J. (ORAL)

CM-1092-LPA-2019

For the reasons mentioned in the application, the
delay of 08 days in re-filing the appeal is condoned.

The application stands disposed of.

LPA-462-2019

This intra court appeal under clause X of the Letters
Patent is directed against the judgement and order
dated 26.11.2018 passed by the learned Single Judge dismissing
the writ petition filed by the petitioner (appellant herein)
seeking interest on the delayed payment of two increments which
were stopped by the respondents by way of imposing punishment
vide order dated 14.01.1993.

2. Admittedly, the appellant challenged the order
inflicting punishment by filing a suit which was decreed by the
trial Court vide judgement and order dated 24.02.1997. Learned
counsel for the appellant contends that since the decree
contained a stipulation directing the respondents to release

regular annual increments of the appellant alongwith all legal benefits, hence he would be entitled to interest as well.

3. Be that as it may, if the appellant reads the decree in the manner that he was entitled to the payment of interest as well, it was open to him to get the decree executed in his favour. A writ is not at all maintainable. Secondly, because interest was not awarded by the trial Court, the writ petition would not be maintainable, as the claim of the appellant would be barred by the principles of res-judicata. It is also to be taken note that in the civil suit prayer was made to award interest at the rate of 18% per annum. However, a perusal of the decree goes to show that no such relief was granted.

4. In view of the aforesaid facts and discussion, we find no reason to take a view different from the one taken by the learned Single Judge while dismissing the writ petition.

5. The appeal is devoid of merits and accordingly stands dismissed.

(KRISHNA MURARI)
CHIEF JUSTICE

(ARUN PALLI)
JUDGE

27.05.2019
Amogh

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No