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

CR No.1235 of 2017 (O&M)
Date of Decision: 02.09.2019

Food Corporation of India and another
.....Petitioners

Versus

Gurbachan Dass
........Respondent

CORAM: HON'BLE MS. JUSTICE NIRMALJIT KAUR

Present: Mr. K.K. Gupta, Advocate for the petitioners.

Mr. P.S. Khiara, Advocate and
Mr. A.S. Virk, Advocate for the respondent.

NIRMALJIT KAUR, J. (ORAL)

The present revision petition has been filed against the order dated 20.12.2016, passed by the Civil Judge (Junior Division), Jalandhar (for short, the Executing Court), vide which, the petitioners have been directed to pay 12% interest on the CPF to the respondent.

While praying for setting aside the said order to the extent vide which direction was issued to pay 12% interest to the respondent, learned counsel for the petitioners has pointed out that the interest on the CPF could not have been more than the rate of interest as per the CPF Scheme. At that point of time, the rate of interest is stated to be 8.50%, which was admittedly paid to the respondent.

Learned counsel for the respondent however while opposing the prayer of learned counsel for the petitioners submitted that there was specific direction to pay retiral benefits with 12% interest and therefore, they are bound to pay the same and no order against the decree can be passed.

Heard.

A perusal of the various orders passed by the Courts below show that the claim of the respondent was with respect to the retiral benefits. The interest stood enhanced to 12% on the delayed payment qua the retiral benefits. Admittedly, the said interest has been paid to the respondent @ 12% except qua the CPF.

For the purpose of CPF, a separate suit was filed by the respondent, which already stands dismissed vide order dated 19.08.2014, placed on record as Annexure P-5 and the same has already attained finality.

A perusal of the judgment and order dated 19.08.2014 shows that the specific claim of the respondent was for releasing the additional interest @ 8.5% on the contributory provident fund, which means that the respondent knew and is in knowledge of the fact that the interest on the contributory provident found as per the scheme was only 8.5% and therefore, could not make the judgment dated 06.02.2009 passed by the Additional District Judge, Jalandhar qua the other retiral benefits, the basis for releasing the enhanced interest @ 12% before the Executing Court towards CPF, it is further evident from the said judgment that the suit was specifically for grant of additional interest on CPF and it was dismissed on the statement of the respondent/plaintiff himself that he has already received the interest on CPF.

In view of the above, the impugned order dated 20.12.2016 to the extent vide which a direction was issued to the petitioners to pay the additional interest @ 12% on CPF is set aside and the present revision petition is accordingly allowed.

(NIRMALJIT KAUR)
JUDGE

02.09.2019
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I attest to the accuracy and integrity of this document

Whether Speaking/Reasoned	:	Yes/No
Whether Reportable	:	Yes/No