

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

**CR No.6367 of 2016(O&M)
Date of Decision: 27.02.2019**

State of Punjab and others

.....Petitioners

Versus

**Sarda Ram and Baro (now deceased through their legal
representatives)**

.....Respondents

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present:Mr. Arun Kaundal, DAG, Punjab
for the petitioners.

Mr. Puneet K. Sharma, Advocate
for the respondents.

RAJ MOHAN SINGH, J.(Oral)

[1]. Perusal of the record would show that the suit was partly decreed by the trial Court and plaintiff No.2 was held entitled to gratuity, leave encashment and family pension of deceased Jethu Ram. Defendants were directed to release the aforesaid benefits to plaintiff No.2 within a period of three months along with interest @ 9% per annum for delayed payments of the aforesaid benefits.

[2]. In appeal, the decree of the trial Court was modified and it was held that the plaintiffs were only entitled to receive ex-gratia, group insurance scheme and general provident fund of deceased Jethu Ram along with interest @ 6% per annum. Plaintiff No.2 was also held entitled to gratuity and leave encashment along with interest @ 9% per annum.

[3]. Since the date from which the amount of interest was payable was missing in the decree passed by the Lower Appellate Court, therefore, the recital of the decree passed by the trial Court has to prevail in respect of date of accrual of interest for the delayed payments.

[4]. Vide order dated 14.09.2018, both the parties were directed to furnish their calculations. In compliance of aforesaid order, respondents have submitted their calculations/documents Annexures R1 to R5. The case was adjourned to 04.10.2018 and thereafter on 16.10.2018 when learned State Counsel for the petitioners sought time to do the needful in the context of order dated 14.09.2018. The case was accordingly adjourned to 23.11.2018. The case was taken up on 26.11.2018. Learned State Counsel for the petitioners again sought time to do the needful for filing necessary calculations. Last opportunity was granted to the State to do the needful.

[5]. Till date, calculations have not been filed by the State

despite last opportunity granted on 26.11.2018. There is no justification to adjourn the case further. No interference can be made in the impugned order passed by the executing Court. This revision petition is accordingly dismissed.

27.02.2019	(RAJ MOHAN SINGH)
Prince	JUDGE
Whether reasoned/speaking	Yes/No
Whether reportable	Yes/No