

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

**RSA No.4795 of 2003 (O&M)
Date of Decision:15.01.2019**

Kurukshetra University, Kurukshetra through its Registrar and others

...Appellant(s)

Versus

Dr.R.L.Sharma and another

...Respondent(s)

CORAM:- HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Amarjit Virk, Advocate for the appellants.
Mr.Himanshu Sharma, Advocate for
Mr.Shailender Jain, Sr. Advocate for respondent No.1.

ANIL KSHETARPAL, J.

The defendants-appellants are in the regular second appeal against the concurrent findings of fact arrived at by the courts below, decreeing the suit for declaration with consequential relief of mandatory injunction.

The plaintiff-respondent claimed that he has not been paid salary for the month of December 1999 and he also prayed for certain other reliefs.

This Court, while admitting the appeal, had stayed execution of the decree beyond 6%.

Learned counsel for the appellants submits that the amount along with 6% interest has already been paid and the only dispute which requires adjudication is “what should be the appropriate rate of interest”.

At the time of admission, following substantial questions of law were framed:-

1. Whether the plaintiff is entitled to interest at the rate of 18 per cent per annum after one month of his retirement?
2. Whether the suit for declaration is maintainable when the amount of interest could be computed?

Since at the time of final arguments, the only issue which has been pressed is the rate of interest, therefore, keeping in view the facts and circumstances of the present case, particularly the fact that the plaintiff-respondent was an employee and he was deprived of the dues at an appropriate time, the decree passed by the courts below is modified. The interest @ 10% shall be payable instead of 18% which in the considered view of this Court would meet the ends of justice. The employer, i.e. Kurukshetra University, shall pay difference of the interest amount within three months from the date of receipt of a certified copy of this order.

No other argument was raised.

The Regular Second Appeal is disposed of in the above-said terms. Pending application(s), if any, shall also stand disposed of, in terms thereof.

15.01.2019
mks

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No