

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

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Regular Second Appeal No.2335 of 2019 (O&M)
Date of Decision: May 6th, 2019

The State of Punjab and others

...Appellants

Versus

Nirmal Dass Beniwal

...Respondent

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Charanpreet Singh, Assistant Advocate General, Punjab,
for the applicants-appellants.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Challenge in this appeal is to the judgment and decree dated 25.07.2016 passed by the Civil Judge (Junior Division), Rajpura, whereby the suit for recovery of ₹1,95,000/- along with interest at the rate of 12% per annum till the date of realisation of the amount, has been decreed to the extent of recovery of amount along with interest at the rate of 6% per annum from the date of filing of the suit till its realisation and also the judgment and decree dated 25.01.2019 passed by the District Judge, Patiala, who modified the judgment and decree dated 25.07.2016 passed by the trial Court, passing a decree for recovery of ₹86,287/- along with pendente lite and future interest @ 6% per annum from the date of filing of the suit till payment of amount in question.

2. It is the contention of learned counsel for the appellants that the Courts below have failed to appreciate that there was no delay on the part of the respondents, rather the delay, if any, had occurred because of the delayed option given by the respondent-plaintiff for claiming the benefit of Assured Career Progression Scheme of 04, 09, 14 years of service.

He contends that because of the fault of the respondent-plaintiff, the

appellants-defendants cannot be held liable and, therefore, the judgments

and decree as passed by the Courts below cannot sustain and deserve to be set aside.

3. I have considered the submissions made by learned counsel for the appellants-defendants and with his assistance, have gone through the impugned judgments but do not agree with his submissions as in the considered view of this Court, the judgments and decree as passed by the Courts below are based upon proper appreciation of the pleadings and evidence on record. It is not in dispute that the respondent-plaintiff was entitled to the benefit, which he has been granted by the appellants-defendants but there has been some delay in making the payments. It is an admitted position that the retiral benefits have been released late, which is being attributed upon the respondent-plaintiff. The judgments as passed by the Courts below deal with this aspect on the basis of the pleadings and the evidence, which do not call for any interference. The interest which has been granted by the Courts below is also based upon the judgment passed by the Supreme Court and is in accordance with law. Further interest which has been granted is only at the rate of 6% per annum.

4. In view of the above, the present appeal being devoid of merit stands dismissed as there are concurrent findings, which have been returned against the appellants-defendants and there is no question of law involved in the present appeal.

5. In the light of the dismissal of the appeal, application for stay i.e. CM No.6289-C of 2019 stands disposed of as infructuous.

May 6th, 2019
Puneet

(AUGUSTINE GEORGE MASIH)
JUDGE