

LPA No. 1586 of 2018 (O&M)

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

**LPA No. 1586 of 2018 (O&M)
Date of decision: 13.3.2019**

Sunil Kumar and others

... Appellants

Versus

Dakshin Haryana Bijli Vitran Nigam, Hisar and others

... Respondents

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

Present: Mr. D.S. Matya, Advocate
for the appellants.

Mr. Deepak Balyan, Additional A.G. Haryana.

ARUN PALLI, J. (ORAL)

This is an intra-court appeal, under Clause X of the Letters Patent, against an order and judgment dated 25.5.2018, rendered by the learned Single Judge, vide which the writ petition preferred by the appellants, claiming interest @ 18% per annum upon the arrears of pay released by the respondents, pursuant to the directions issued by this court, has since been dismissed.

The facts that are required to be noticed are limited.

As a consequence of the order passed by the respondent-Nigam, dated 04.09.2014, pay of the appellants was reduced from Rs.13,660/- to Rs.9,840/-. But, vide orders dated 13.01.2017, rendered in CWP No. 6903 of 2015 and 21.09.2017, in CWP No. 404 of 2017, filed by the appellants, the respondents were directed to pay wages @ Rs.13,660/- from the date the same were reduced and the difference of pay was directed to be released to

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the appellants within a specified time. It is not in dispute that the said orders have since attained finality. Thereafter, the appellants again approached this Court, vide CWP No. 11867 of 2018, to claim interest @ 18% per annum upon the disbursed amount and as indicated above, the said writ petition has since been dismissed.

We have heard learned counsel for the appellants and perused the records.

Ex facie, upon a consideration of the matter and material on record, the learned Single Judge concluded that upon a specific question put to the learned counsel for the petitioners (appellants herein), as to which is the order in which a direction was issued by this Court even for awarding interest along with arrears of pay, he fairly stated that no such order was passed by this Court. Even the plea that appellants were entitled to interest, in terms of letter dated 20.12.2017, whereby the department itself released the arrears with interest @ 18% per annum, was also rejected, as no such inference could be drawn from a bare reading of the said letter. Pursuant to the notice issued by this Court on 10.10.2018, the respondents had caused appearance and furnished an affidavit of the Superintending Engineer, 'OP' Circle UHBVNL, Kaithal, dated 7.2.2019, and the specific stand set out in paragraphs 4 and 5 thereof is;

“That it is further respectfully submitted that the then Superintending Engineer (OP) Circle, UHBVN, Kaithal, while issuing letter dated 20.12.2017, inadvertently mentioned therein to release the enhanced arrears along with interest 18% per annum. However, no such interest was ever paid to any of the employees.

That the enhanced arrears were released without any interest accrued thereupon as neither it was directed as such by the Hon'ble High Court, while pronouncing judgment dated 10.08.2017, nor it was decided by the then

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Superintending Engineer (OP) Circle, UHBVN, Kaithal.”

In the wake of the above, not only the letter dated 20.12.2017 (Annexure P-12), but also the claim of the appellants that is predicated thereupon seeking interest pales into insignificance. Even otherwise and as concluded by the learned Single Judge that albeit the petitioners-appellants were held entitled to the difference of wages vide orders dated 13.01.2017 and 21.09.2017, passed by this Court, but neither they were found entitled to, nor any direction was issued to the authorities to release arrears with interest. Thus, in the given situation, even the maintainability of the subsequent petition, would be an issue. On being pointedly asked, learned counsel for the appellants failed to refer to anything on record to show if the conclusion recorded by the learned Single Judge suffered from any material illegality.

In the wake of the above, we are dissuaded to interfere with the impugned order and judgment passed by the learned Single Judge. The appeal being devoid of merit is accordingly dismissed.

(KRISHNA MURARI)
CHIEF JUSTICE

(ARUN PALLI)
JUDGE

March 13, 2019
AK Sharma

Whether speaking / reasoned: YES
Whether Reportable: NO