

**C.M. NOS.11048-49 C OF 2015 &
R.S.A. NO.4591 OF 2015**

:{ 1 }:

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

106

**C.M. NOS.11048-49 C OF 2015 &
R.S.A. NO.4591 OF 2015**

DATE OF DECISION: DECEMBER 05, 2019

Uttar Haryana Bijli Vitran Nigam Ltd., Panchkula and others

.....Appellants

VERSUS

Sukha Singh

....Respondent

CORAM:- HON'BLE MR.JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. R.D.Bawa &
Mr. Samuel Gill, Advocates,
for the petitioners.

Mr. Manish Dadwal, AAG, Haryana,
for the State.

AUGUSTINE GEORGE MASIH, J. (ORAL)

C.M. No.11048 C of 2015

Prayer in this application is for condonation of delay of 81 days
in filing the appeal.

Having considered the submissions made by counsel for the
parties and keeping in view the reasons mentioned in the application, which
are supported by an affidavit of XEN, Sub Urban Division No.1, Karnal, the
application is allowed and delay of 81 days in filing the appeal stands
condoned as the said delay has been reasonably explained and the Court is
satisfied that the delay was neither intentional nor deliberate.

C.M. No.11049 C of 2015 and R.S.A. No.4591 of 2015

Notice in this appeal was issued limited to the extent of grant of interest by the Courts below as interest, which has been granted by the trial Court and the Appellate Court is 12% per annum.

Counsel for the appellants has asserted that interest, as has been ordered to be paid by the Courts below, is excessive and this Court, in similar matters relating to retiral benefits, including gratuity, leave encashment etc., has been granting 9% interest per annum. In support of this contention, he has placed reliance upon the judgments of this Court in Nirmal Singh Vs. State of Punjab and others, 2019 (4) SCT 562 and Iqbal Masih (deceased) through LR's Vs. State of Punjab and others, 2019 (4) SCT 504. He, therefore, prays that interest as granted by the Courts below be reduced to 9% per annum from 12%.

On the other hand, learned counsel for the respondent asserts that there has been an inordinate delay on the part of the appellant-defendants in releasing the retiral benefits after counting the length of service, which has been rendered by the respondent-plaintiff on daily wages basis. He, therefore, contends that the interest as has been granted by the Courts below is just and reasonable.

Having considered the submissions made by counsel for the parties and keeping in view the settled principles of law, the determinative factor for consideration of the Court is the facts and circumstances of a particular case as no straitjacket formula can be laid down for grant of interest by the Court. However, keeping in view the situation, as it exists in the present case as also the instructions of the Government of Haryana, Department of Finance, dated 20.02.2002, which entitles an employee to

interest @ 9.5% per annum with regard to the general provident fund, the rate of interest as granted by the Courts below is reduced to 9.5% per annum from 12%. Rest of the terms and conditions of the judgments and decree passed by the Courts below shall remain the same.

Learned counsel for the appellants states that benefit of the judgments and decree passed by the Courts below with 9% interest, as per the order dated 20.02.2018, has already been released to the respondent-plaintiff.

If that be so, the remaining amount, as per the interest @9.5% per annum, be released to the respondent-plaintiff within a period of two months from the date of receipt of certified copy of this order.

Regular Second Appeal stands partly allowed in the above terms.

Since the main appeal stands decided, no orders are required to be passed on C.M. No.11049 C of 2015.

December 05, 2019
khurmi

(AUGUSTINE GEORGE MASIH)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No