

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH****Date of decision: 22.01.2020****RSA No.3600 of 2018**

Madan Gopal

...Appellant

Vs.

State of Punjab & others

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr. Surinder Garg, Advocate, for the appellant.

Mr. Sandeep Kumar, DAG, Punjab.

RAJIV NARAIN RAINA, J. (ORAL)

Plaintiff is in second appeal aggrieved against the judgment and decree passed by the Courts below, whereby the plaintiff's suit for declaration was decreed and the plaintiff was held entitled for interest at the rate of 8% p.a. on the delayed payment of pension and gratuity from 22.08.2016 till actual realization. However, the appeal filed by the plaintiff was dismissed.

The plaintiff has filed the present suit for declaration claiming interest on the delayed payment of gratuity, retiral benefits, GPF. Both the Courts have returned a finding that though payments have been delayed, but it also stands established on the file that payments could not be made due to pendency of inquiry and when it was finalized, payments were released. While dealing with the issue of delayed payment of GPF and leave encashment, the trial Court categorically observed that the plaintiff is not entitled to interest on GPF and leave encashment because his GPF was released on 11.03.2005 and

leave encashment on 30.08.2006 i.e. just after filing of his departmental inquiry.

In view thereof, I do not find any patent illegality or irregularity in the findings recorded by both the courts below or any substantial question of law arises for consideration in the second appeal.

Consequently, the appeal is dismissed.

22.01.2020
Vimal

[RAJIV NARAIN RAINA]
JUDGE

Whether speaking/reasoned:
Whether Reportable:

Yes/No
Yes/No