

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

C.R.No.3814 of 1995(O&M)

Date of decision: 06.08.2022

State of Haryana and another

..Petitioners

Versus

Om Parkash Sehgal

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Jaspal S. Pannu, AAG, Haryana and
Mr. Harsh Vardhan, AAG, Haryana.

None for the respondent.

ANIL KSHETARPAL, J(Oral)

The State of Haryana and others have filed the present revision petition challenging the order dated 25.07.1995, passed by the Executing Court while directing the petitioners to pay the decretal amount along with 12% compound rate of interest.

The respondent filed a suit for declaration that he is entitled to cross the efficiency bar with effect from 01.06.1984 and the order dated 21.08.1990 and 17.12.1990, are incorrect and liable to be set aside, which was decreed on 08.05.1993. The only dispute, in the present case, is with regard to the fact whether the payment was directed to be paid with simple interest or compound interest? The operative part of the decree dated 08.05.1993 reads as under:-

“The plaintiff also entitled to interest at the rate of 12% per annum on the arrears of pay and other benefits from the due date.”

On a plain reading thereof, it is evident that the court did not

direct payment of the amount along with compound interest. Hence, the Executing Court erred while observing that the Decree Holder is entitled to claim compound interest. It has been noticed that the respondent has already been paid an amount of Rs.2,04,229.77, which according to the petitioner also includes 12% interest on the amount decreed.

The record of the case was burnt in a fire incident. There is no clarity as to whether the respondent was served or not.

Keeping in view the aforesaid facts, the revision petition is disposed of with the observations made above. However, the respondent shall have the liberty to file an application for recall, if he feels aggrieved.

Disposed of accordingly.

All the pending miscellaneous applications, if any, are also disposed of.

August 06, 2022

nt

**(ANIL KSHETARPAL)
JUDGE**

<i>Whether speaking/reasoned</i>	:	<i>Yes/No</i>
<i>Whether reportable</i>	:	<i>Yes/No</i>