IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

RSA-302 of 1993 (O&M)
Date of Order: 18.08.2023

State of Haryana and others

.Appellants

Versus

Parkash Chand(since deceased) through LRs ..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Ms. Vibha Twari, AAG, Haryana
Mr. Nischal Chetanya Manchanda, Advocate for the respondent.

ANIL KSHETARPAL, J

1. This appeal has been preferred by the defendants (State of Haryana and its officials) to challenge the correctness of the concurrent findings of fact arrived at by the courts below.

2. The dispute is with regard to the release of pensionary benefits including the salary for the earned leave to the respondent. The respondent retired from service on 31.03.1984 as a Panchayat Secretary from Panchayat Samiti.

3. Both the courts on appreciation of evidence have found that the respondent was entitled to pension, gratuity and encashment of leave to the extent of 240 days along with interest @ 15% per annum on account of delayed payment.

4. This Bench has heard the learned counsel representing the parties at length and with their able assistance perused the paper book.

5. The learned counsel representing the appellants contends that the respondent retired on 31.03.1984, whereas the salary for the period of 240 days of earned leave was made applicable with respect to the employees

who retired after 01.07.1986. She submits that the courts have erred in decreeing the suit to that extent.

6. On the other hand, the learned counsel representing the respondent while drawing the attention of the court to para 12 of the judgment passed by the trial court submits that in Civil Writ Petition No.6531 of 1989, decided on 19.09.1990(***K.L.Sharma and others vs. State of Haryana)***, the cut of date for applicability of the said instruction was quashed and it was held that encashment of leave salary equivalent to 240 days is payable to the employees irrespective of their date of retirement.

7. The learned counsel representing the appellants further contends that the interest @ 15% per annum from the date of institution till realization that has been awarded by the courts below is excessive.

8. As already noticed, the respondent retired in the year 1984. During those days the rate of interest on the loan given by the nationalized bank was quite higher. However, interest @ 15% appears to be on the higher side.

9. Keeping in view the facts of the case, the appeal is disposed of while directing the appellants to release the remaining pensionary benefits, if any, within a period of three months, from today, along with interest @ 12% per annum from the date of institution of the suit till its realization.

10. With these modifications, the appeal is disposed of.

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

August 18, 2023 **(ANIL KSHETARPAL)**
nt **JUDGE**

Whether speaking/reasoned :YES/NO
Whether reportable :YES/NO