

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

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2023:PHHC:111761

**RSA-3905-2019(O&M)
Date of decision: 25.08.2023**

**PEPSU ROAD TRANSPORT CORPORATION
AND ANOTHER**

..Appellants

Versus

PARAMJIT SINGH

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Aman Sharma, Advocate
for the appellants.

ANIL KSHETARPAL, J(Oral)

1. The only dispute in the present case is with respect to the rate of interest payable to the employees for delay in release of retiral benefits.
2. The learned counsel representing the appellant (Corporation) relies upon the orders passed in RSA-3351-2018 and RSA-742-2018, respectively, which read as under:-

“Relying upon judgment dated 04.09.2017 of a co-ordinate Bench of this Court in CWP-15306-2016 and other connected matters, learned counsel for the appellant-Corporation contends that in similarly situated circumstances, 9% interest per annum has been granted to the retired employees akin to the respondent, on the delayed payment after expiry of three months period from the date of his retirement till its actual payment. Therefore, the impugned judgment dated 08.11.2017 of the trial Court, affirmed by the Ist Appellate Court vide judgment dated 13.04.2018, where interest at 12% per annum has been granted, may kindly be modified to this extent.

Having considered the submissions made by learned counsel for the appellants-Corporation and considering the above referred judgment of a co-ordinate Bench of this Court, the judgment of the trial Court dated 08.11.2017 and that of the Ist Appellate Court dated 13.04.2018, are modified to the extent that the appellant-Corporation shall pay up-to-date interest to the respondent @ 9% per annum on the delayed payment, after expiry of three months period from the date of his retirement till date of actual payment of retiral benefits to

him. The payment be made within a period of six weeks from today.

The instant Regular Second Appeal is disposed of accordingly, without issuing notice to the respondent, to avoid expense and delay.

A copy of this order be sent to the respondent. If he has any grievance he may file an application in that regard. If such an application is filed within one month of receipt of the order by him, the same be listed.”

“Relying upon judgment dated 04.09.2017 of a co-ordinate Bench of this Court in CWP-15306-2016 and other connected matters, learned counsel for the appellant-Corporation contends that in similarly situated circumstances, 9% interest per annum has been granted to the retired employees akin to respondent No. 1-plaintiff, on the delayed payment after expiry of three months period from the date of their retirement till its actual payment, therefore, the impugned judgment dated 10.09.2015 of the trial Court, affirmed by the Ist Appellate Court vide judgment dated 11.11.2016, may kindly be modified to this extent.

Having given considerable thought to the submissions made by learned counsel for the appellant-Corporation and considering the above referred judgment of a co-ordinate Bench of this Court, the judgment of the trial Court dated 10.09.2015 and that of the Ist Appellate Court dated 11.11.2016, are modified to the extent that the appellant-Corporation shall pay up-to-date interest to respondent No. 1-plaintiff @ 9% per annum on the delayed payment, after expiry of three months period from the date of his retirement till date of actual payment of retiral benefits to him, within a period of three months from today.

The instant Regular Second Appeal is disposed of accordingly, without issuing notice to respondent No. 1-plaintiff, to save him from the legal fee which he ought to have paid in case of issuance of notice to him. Still, if dissatisfied, the respondent-plaintiff may move this Court for recalling this order within a period of one month from the date of knowledge of this order.”

3. Keeping in view the aforesaid facts, the appeal is disposed of in the same terms with liberty to the respondent to file an application for recall of this order, if aggrieved.

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

August 25th, 2023

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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned : *Yes/No*
Whether reportable : *Yes/No*