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**CM-7327-CWP-2019 in/and
CWP-11438-2015**

.. Petitioner

Versus

.. Respondent

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Ashok Kumar Aggarwal, petitioner in person.

Mr. Harkirat S. Jagdev, Advocate, for
Mr. Aalok Jagga, Advocate, for the respondent.

HARSIMRAN SINGH SETHI J. (ORAL)

CM-7327-CWP-2019

Present application has been filed for recalling the order dated 06.03.2019, by which, the present writ petition was dismissed for non-prosecution.

Notice of the application to the counsel opposite.

Mr. Harkirat S. Jagdev, Advocate, who is present in Court, accepts notice on behalf of the respondent. He raises no objection for the grant of prayer as raised in the present application.

Keeping in view the averments made in the application, which are duly supported by an affidavit, the same is allowed. The order dated 06.03.2019 is recalled and the writ petition is restored to its original number and status.

CWP-11438-2015

1. In the present writ petition, the challenge is to the grant of

interest in pursuance to the benefit/relief given by this Court while passing order in *CWP No.8983 of 1991 titled as Ashok Kumar Aggarwal vs. Central Bank of India, decided on 12.10.2007.*

2. The petitioner, who appears in person, submits that the petitioner had approached this Court challenging the departmental proceedings initiated against the petitioner, which were made the basis for not reinstating the petitioner in service. The petitioner submits that the said proceedings were quashed by this Court and a direction was issued that if the petitioner has not attained the age of superannuation, he was to be reinstated and he was held entitled to all consequential benefits relating to the reinstatement.

3. The petitioner further submits that the said consequential benefits will also bear interest on the arrears which the petitioner will become entitled for upon reinstatement.

4. On being asked as to whether, the interest upon the arrears was claimed before the Court while claiming the benefit in CWP No.8983 of 1991, decided on 12.10.2007, the petitioner, who appears in person, submits that no such relief as to interest was sought/prayed before the Court, hence, not granted while passing order dated 12.10.2007.

5. Learned counsel for the respondents, on the other hand, submits that once it is a conceded position that no benefit of interest was claimed, the consequential benefits allowed to the petitioner by the Coordinate Bench while passing order in CWP No.8983 of 1991 decided on 12.10.2007 will not carry any interest. Hence, once all the benefits under the said order has already been granted, the petitioner cannot claim the interest which was never granted.

6. I have heard the petitioner in person as well as learned counsel for the respondents and have gone through the record with their able assistance.

7. The petitioner is only claiming interest on the arrears/consequential benefits which the petitioner has been paid upon reinstatement keeping in view the order passed by the Coordinate Bench of this Court in CWP No.8983 of 1991 decided on 12.10.2007.

8. It is a settled principle of law that any relief claimed and not granted or any relief not claimed, will amount to the non-grant of the said relief by the competent Court of law. The petitioner, who appears in person, concedes the fact that no interest was claimed for while seeking the reinstatement with consequential benefits. That being factual situation, the petitioner cannot claim the interest in the subsequent proceedings as grant of the said benefit will amount to modifying the judgment of the Coordinate Bench of this Court dated 12.10.2007, which has already attained finality upto the Hon'ble Supreme Court of India.

9. Keeping in view the above, the claim of interest in the present writ petition is not maintainable in view of the order passed by the Coordinate Bench of this Court in the earlier proceedings dated 12.10.2007 by which the benefit of reinstatement with consequential benefits was granted.

10. No ground is made out for the grant of interest as being claimed. However, the liberty is with the petitioner to file appropriate application in CWP No.8983 of 1991 in case he is aggrieved for the non-grant of the interest by the Coordinate Bench of this Court while passing order on 12.10.2007.

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11. Dismissed.

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December 11, 2023
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(HARSIMRAN SINGH SETHI)
JUDGE

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