

2023:PHHC:121862

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

RSA-5269-2019 (O&M)
Date of decision: 13.09.2023

Punjab State Power Corporation Limited

..Appellant

Versus

Surjit Kaur

.Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr. Rishab Gupta, Advocate for the appellant

ANIL KSHETARPAL, J (Oral)

CM-14916-C-2019

1. For the reasons stated in the application, delay of 75 days in filing the appeal is condoned.
2. CM stands allowed.

Main case

3. This Regular Second Appeal has been filed by the Management. The respondent (plaintiff) is a widow of a former employee of the appellant-Corporation. The respondent's husband died in harness on 02.10.2003. She was neither offered a job on compassionate grounds nor she was paid the ex-gratia payment. On 31.05.2007 an attempt was made to pay Rs.3,00,000/- to the plaintiff, which was declined and she insisted on employment on the compassionate basis. Thereafter, she filed a suit on 06.08.2016 for the grant of interest on the delayed payment as the ex-gratia was paid in the year 2015. The trial court dismissed the suit, however, the First Appellate Court has partly allowed the appeal and directed the appellant

to pay the interest at the rate of 9% per annum with effect from 06.09.2003 till 31.05.2007. However, it was further held that if the Department fails to make the payment within a period of 2 months, the plaintiff shall be entitled to the future interest at the rate of 6% till its realisation.

4. Learned counsel representing the appellant submits that the plaintiff herself refuses to accept the payment and therefore, is not entitled to interest.

5. This Court has considered the submissions made by the learned counsel representing the appellant and perused the paperbook. It is evident that for the first time, the appellant made offer to pay the amount of ex-gratia in May, 2007. For a period of approximately 4 years, the appellant did not offer to make the payment to the respondent. In such circumstances, the refusal on the part of the plaintiff to accept the payment in the year 2007 would not debar her from claiming the interest when the payment was unjustifiedly denied to her.

6. In view of the aforesaid facts, no ground to interfere is made out.

7. Hence, dismissed.

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

13.09.2023

rekha

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(ANIL KSHETARPAL)
JUDGE