

In the High Court of Punjab and Haryana, at Chandigarh

Regular Second Appeal No. 2411 of 2019 (O&M)

Date of Decision: 21.08.2023

Sadhu Singh

... Appellant(s)

Versus

State of Punjab and Others

... Respondent(s)

CORAM: Hon'ble Mr. Justice Anil Kshetarpal.

Present: Mr. Deepak Gupta, Advocate
for the appellant(s).

Mr. Sandeep Chopra, Deputy Advocate General,
Punjab.

Anil Kshetarpal, J.

1. The Regular Second Appeal in the States of Punjab, Haryana and Union Territory, Chandigarh is governed by Section 41 of the Punjab Courts Act, 1918 and not by Section 100 of the Code of Civil Procedure, 1908, as held by a five Judge Bench of the Supreme Court in ***Pankajakshi (Dead) through LRs v. Chandrika and Others (2016) 6 SCC 157.***

2. The only dispute in the present case is with regard to the entitlement of the appellant to the interest for the delayed payment of the retiral dues. The First Appellate Court has found that the major part of the retiral dues was paid within a period of six months, whereas the remaining dues were cleared within a period of eight to nine months of the appellant's retirement. Thus, the First Appellate Court, in exercise of its discretion, has held that there is no unreasonable delay, therefore, the appellant is not

entitled to any interest.

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3. In exercise of the second appellate jurisdiction, this Court does not find it appropriate to differ, particularly when the retiral dues were paid promptly.

4. Keeping in view the aforesaid facts, no ground is made out to interfere. Hence, the present appeal is dismissed.

5. The miscellaneous application(s) pending, if any, shall stand disposed of.

(Anil Kshetarpal)
Judge

August 21, 2023**“DK”**

Whether speaking/reasoned :Yes/No

Whether reportable : Yes/No