

In the High Court of Punjab and Haryana, at Chandigarh**Civil Revision No. 779 of 2023 (O&M)****Date of Decision: 15.03.2024**

Sukhchain Singh

... Petitioner(s)

Versus

State of Punjab and Others

... Respondent(s)

CORAM: Hon'ble Mr. Justice Anil Kshetarpal.Present: Mr. Harmanpreet Sehgal, Advocate
for the petitioner(s).Mr. Kanav Singla, Assistant Advocate General,
Punjab, for the respondents.**Anil Kshetarpal, J.**

1. This revision petition has been filed by the decree holder to assail the correctness of the Executing Court's order dated 01.07.2022. In substance, the dispute is with regard to payment of interest on the amount of arrears of increment.

2. On 19.11.2013, the appeal filed by the petitioner was allowed by the First Appellate Court with the following observations:-

“19. In view of my above said findings, the appeal of the appellant succeeds and the same is hereby allowed and judgment and decree passed by the trial court, on 9.4.13 is set aside and suit of the plaintiff/appellant is decreed that order dated 19.3.2009, passed by respondent no.3 to the effect of stoppage of 4 annual increments with cumulative effect is set aside and order is held null and void and appellant is held entitled to increments withheld and arrears of pay and

allowances alongwith interest @ 18% P.A. from the date of realization. However, under the principle of natural justice, he is not entitled to salary for no work period. Decree sheet be prepared. Trial court record alongwith copy of this order be sent back. Appeal file be consigned to the Record Room.”

3. Two second appeals were filed, one by the State of Punjab and another by the petitioner. Both the appeals were disposed of on 12.02.2018 with the following order:-

“(6) Thus, employee has made out a case insofar as entitlement of arrears of salary during the intervening period, to that extent Appellate Court's order dated 19.11.2013 is modified that employee is entitled to arrears of salary during intervening period from the date of imposition of penalty till reinstatement and consequential service benefits, as if no penalty order is vogue. Therefore, employee's appeal qua RSA No. 1648 of 2014 is allowed in part and State has not made out a case in RSA No.2047 of 2014. Accordingly, State appeal qua RSA No.2047 of 2014 stands dismissed.”

4. Before the Executing Court, the petitioner has admitted that the arrears of salary as well as the retirement benefits have already been received by the decree holder and that he claims only the interest portion.

5. The learned counsel representing the petitioner contends that the petitioner is entitled to the amount of interest calculated @ 18% per annum on the arrears of increment as well as salary during the intervening period.

6. Per contra, the learned State counsel submits that the entire payment has been made.

7. This Court has considered the submissions made by the learned

8. It appears that the First Appellate Court has set aside the order of punishment directing the stoppage of four annual increments with cumulative effect. Consequently, he was held entitled to increments withheld and the arrears of pay arising therefrom. However, the First Appellate Court has specifically held that the petitioner shall not be entitled to salary for the period he remained out of service. The High Court modified the order and held that the petitioner is entitled to arrears of salary during the intervening period. However, the High Court did not grant any interest on the amount of arrears of salary during the intervening period. Hence, the appellant is only entitled to interest @ 18% per annum on the amount of arrears which have been paid to him while calculating his salary without stoppage of four annual increments. There is a lack of clarity in the impugned order. Hence, the petitioner shall have the liberty to file an application before the Executing Court in this regard. The Executing Court shall calculate the arrears and if it is already not paid, the same shall be recovered. It is clarified that the petitioner shall not be entitled to any interest on the arrears of salary during the intervening period.

9. With the observations made above, the present revision petition is disposed of.

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

(Anil Kshetarpal)
Judge

March 15, 2024
“DK”

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No