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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

(216)

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Date of decision:- 13.02.2024

Jit Singh

... Appellant

Versus

State of Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Ms. Sumanpreet Aulakh, Advocate
for the appellant.

Mr. Siddharth Attri, AAG, Punjab
for the respondents.

SUVIR SEHGAL, J. (ORAL)

1. Ms. Sumanpreet Aulakh, Advocate has put in appearance on behalf of the appellant and has filed Vakalatnama, which is taken on record.
2. Plaintiff-appellant is in second appeal before this Court seeking modification of the judgments and decrees passed by the Courts below.
3. Factual matrix leading to the filing of this appeal is that the plaintiff-appellant filed a suit for declaration that his service book is liable to be completed, salary be fixed after 01.01.1986 in the revised scale, consequential arrears be paid to him and his services are liable to be regularised in view of order dated 24.10.1981. He pleaded that he was engaged as a truck driver for three months by order dated 20.03.1970 and his services were regularised by order dated 24.12.1981. He was placed under suspension on 04.07.1974, but was reinstated on 04.05.1977 and was

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later regularised in service. He claimed benefits and privileges of regular employees by completion of his service book, payment of basic pay etc. Upon notice, defendants-respondents contested the suit by filing a written statement, wherein various preliminary objections were taken. It was submitted that the plaintiff-appellant was reinstated with the condition that he will not get any allowances for the suspension period and that his case is pending before the Supreme Court. It was further submitted that he is being paid basic pay of Rs.1025/- per month. Plaintiff-appellant filed a replication controverting the stand of the defendants-respondents.

4. After issues were framed and parties led evidence, Trial Court by judgment dated 21.04.1992, decreed the suit and directed the defendants-respondents to complete his service book while observing that the dispute regarding the payment of suspension allowance is pending before the Supreme Court. First appeal was preferred by the plaintiff-appellant. During the pendency of the first appeal, matter pending before the Supreme Court was decided on 13.01.1993 and it was held that the plaintiff-appellant shall continue to be employee in the PWD (B&R) till his superannuation and that he be deemed to be taken in service in compliance of award passed by the Labour Court. By judgment and decree dated 04.05.1994, Appellate Court modified the findings recorded under Issues No.1 and 2 and decreed the suit in its entirety, but declined grant of interest on the arrears. Hence, the second appeal at the hands of plaintiff-appellant.

5. Counsel for the plaintiff-appellant submits that all the arrears of pay, salary etc. had been disbursed to the plaintiff-appellant, but he has not been granted any interest, to which he is legally entitled. State counsel has

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opposed the prayer.

6. I have heard counsel for the parties and considered their respective submissions as well as examined the record with their able assistance.

7. Plaintiff-appellant entitled to the salary, which is due to him. Payment of salary and other benefits to an employee is not a bounty, but rather a valuable right. Plaintiff-appellant has been deprived of the benefits on account of the pendency of litigation before the Supreme Court at the hands of the State. This is not a sufficient reason to deny interest on delayed payment. Nothing has been brought on the record to show that the Supreme Court had passed any interim order in favour of the State-defendants. This Court is, therefore, of the view that as there has been delay in the disbursal of dues to the plaintiff-appellant, he is entitled to the grant of interest.

8. For the afore-going reasons, appeal is accepted. Judgment and decree passed by the Lower Appellate Court is modified. Plaintiff-appellant is held entitled to interest @ 9% p.a. from the due date till the date of disbursal.

9. Decree sheet be prepared accordingly.

13.02.2024
Kamal

(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No