

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

259

RSA-864-2023 (O&M)
Date of Decision :15.02.2024

State of Haryana and others

...Appellant

Versus

Ram Kumar and another

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Tapan Yadav, DAG, Haryana for appellant-State
assisted by Ms. Raj Bala, Superintendent, o/o Block
Development and Panchayat Officer.

Mr. Ravinder Singh Malik, Advocate for respondent No.1.

* * *

Harsimran Singh Sethi, J. (Oral)

1. In the present appeal, challenge is to judgment and decree of the trial Court dated 30.11.2019 as well as judgment and decree of the lower Appellate Court dated 22.12.2021 by which, respondent-plaintiff has been granted benefit of interest on the delayed release of his pensionary benefits.

2. Learned counsel for the appellant-State submits that as certain departmental proceedings were pending against the respondent-plaintiff at the time of his retirement, keeping in view the rules governing the service, the appellant-department was well within its jurisdiction to withhold certain pensionary benefits of the respondent-plaintiff though, as of now, the same have already been released hence, benefit of interest cannot be granted in favour of respondent-plaintiff as department was not at fault in any manner.

3. Learned counsel for the respondent-plaintiff submits that as the

pensionary benefits of the respondent-plaintiffs have already been released by the appellant-department, the respondent-plaintiff also wants to rest in life rather than litigating with the department hence, the respondent-plaintiff is giving up his claim for the grant of interest so that respondent-plaintiff is not disturbed in his retired life by the department in any manner.

4. Learned counsel for the respondent-plaintiff on instructions from respondent-plaintiff, who is also present in Court submits that judgment and decree of the Courts below qua the grant of interest be modified as the respondent-plaintiff gives up the said claim.

5. Keeping in view the above, judgment and decree of the Courts below are modified to the extent that respondent-plaintiff will not be entitled for the grant of interest on the retiral benefits, which were released to him. The claim of the respondent-plaintiff qua the grant of retiral benefits is upheld.

6. At this stage, learned counsel for the appellant on instructions from Ms. Raj Bala, Superintendent, o/o Block Development and Panchayat Officer submits that judgment and decree of the Courts below have already been executed and a sum of Rs.7,12,214/- has been paid to the respondent-plaintiff on account of interest, which needs to be refunded back to the department keeping in view the undertaking given by the respondent-plaintiff.

7. Learned counsel for the respondent-plaintiff submits that the said amount of Rs.7,12,214/- will be deposited back by the respondent-plaintiff within a period of 02 weeks from today by way of demand draft in favour of the department.

8. Learned counsel for the appellant-State submits that keeping in

view the undertaking given by the respondent-plaintiff, grievance of the appellant stands redressed.

9. Let the respondent-plaintiff also place on record copy of the demand draft on the record of this appeal by way of filing appropriate application within a period of 03 weeks from today so that it can be ensured that respondent-plaintiff has complied with his undertaking.

10. Present regular second appeal is disposed of in above terms by modifying the judgment and decree of the Courts below that respondent-plaintiff will not be entitled for the interest on the arrears of pensionary benefits as undertaken by him during the hearing of the present appeal.

11. Civil Miscellaneous application pending, if any, is also disposed of.

February 15, 2024
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(HARSIMRAN SINGH SETHI)
JUDGE

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