



RSA-3458-1999

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**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH**

(206)

RSA-3458-1999

Date of decision:- 09.05.2024

State of Haryana and others

... Appellants

Versus

Raghubir Singh and others

... Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Sharad Aggarwal, DAG, Haryana
for the appellants.

None for the respondents.

SUVIR SEHGAL, J. (ORAL)

1. Appellants-defendants are in second appeal before this Court challenging the concurrent finding recorded by both the Courts below.
2. Pleaded case of the plaintiffs-respondents is that they retired as JBT teachers on different dates. Haryana Government revised the pay scales of its employees w.e.f. 01.01.1986 and the plaintiffs-respondents opted for the new scale. Their pay was fixed at Rs.1920/-, but without hearing, it was reduced to Rs.1880/- w.e.f. 01.01.1986 and some recovery was effected from them. In a writ petition filed before this Court, pay of the petitioners therein was fixed at Rs.1920/- w.e.f. 01.04.1986 after giving them an opportunity exercising an option. Claiming that they were similarly placed, plaintiffs filed a suit for declaration as well as consequential relief.
3. Upon notice, suit was contested by the defendants-appellants by filing a written statement, wherein various preliminary objections were taken. Stand taken by the defendants was that the plaintiffs are not covered

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with the judgment of the High Court as they were not party to the writ petition. Replication was filed by the plaintiffs-respondents reasserting their claim. Issues were framed and after the parties led evidence, Trial Court by judgment dated 07.10.1998 decreed the suit holding that the plaintiffs are entitled to pay of Rs.1920/- w.e.f. 01.04.1986 and their pension was ordered to be re-fixed accordingly. They were found entitled to interest @ 18% per annum on the arrears of pay. Defendants-appellants remained unsuccessful in the first appeal, which was dismissed by the learned Additional District Judge, Rewari by judgment dated 02.06.1999 resulting in the institution of the present appeal.

4. I have heard the State counsel and considered his submissions, besides examining the record with his able assistance.

5. When the present appeal came up for motion hearing before this Court, following order was passed on 10.09.1999:-

“Notice of motion qua the rate of interest only for 02.12.1999.

Notice regarding stay also.

In the meanwhile, execution of the decree for interest beyond 6% shall remain stayed till the next date.”

6. The appeal was admitted on 26.08.2002 and interim order was directed to continue. Even a perusal of the memorandum of appeal filed by the defendants-appellants show that the sole challenge is to the rate of interest.

7. Having heard the State counsel, this Court is of the view that the award of interest @ 18% per annum is excessive and deserves to be suitably reduced.



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8. Accordingly, it is ordered that the rate of interest shall be treated to have been reduced from 18% to 6% per annum. Impugned judgments and decrees are modified accordingly.
9. Appeal is disposed of.

09.05.2024
Kamal

(SUVIR SEHGAL)
JUDGE

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