



202

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

RSA-390-1999

Date of decision: 22.10.2024

Budh Ram Angrish

...Appellant

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mrs. Monika Jalota, Advocate for the appellant.

Mr. P.S. Bhandari, AAG, Punjab.

VIKAS BAHL, J. (ORAL)

1. The plaintiff is in appeal against the judgment dated 22.05.1993 passed by the trial Court on the limited aspect of non-grant of compound interest @ 18% per annum on arrears of service benefits. Challenge is also to the judgment dated 03.08.1998 passed by the First Appellate Court vide which the appeal of the plaintiff/present appellant has been dismissed by the First Appellate Court and the aforesaid plea for grant of compound interest @ 18% per annum has been rejected.

2. Brief facts of the present case are that the plaintiff/present appellant had filed a suit for declaration to the effect that the order dated 15.01.1990 vide which the payment of arrears of pay to the plaintiff was barred, was bad, illegal and against law. Consequential reliefs were also



prayed for in the said suit. The trial Court after considering the entire matter and on the basis of the findings on the issues, decreed the suit of the plaintiff against the defendants with costs and observed that the order dated 15.01.1990 Ex.P3 was illegal and was accordingly set aside and the plaintiff was held entitled to all the benefits including the benefits of revision of pay, grant of arrears, revision of pension, on the basis of letter dated 19.06.1989 Ex.P2 and also granted interest at the rate of 11% per annum thereon. It was further directed that the defendants would pay all the monetary benefits with retrospective effect keeping in view the Government letter dated 19.06.1989 Ex.P2 to the plaintiff/present appellant within a period of three months from the date of passing of the judgment.

3. The plaintiff/present appellant filed an appeal against the said judgment. No cross appeal/cross objection was filed by the State of Punjab. The sole point raised in the appeal was that although the benefits have been rightly given to the present appellant but the present appellant should have been granted compound interest on the arrears at the rate of 18% per annum and the said plea of the present appellant was rejected by the First Appellate Court by observing that grant of interest @ 11% per annum was absolutely in accordance with law. It was observed that under Section 34 of CPC, interest on money decree could be allowed upto 6% per annum and in the case of *State of Punjab Vs. Shanti Devi* reported as *1995(2) RSJ 193*, this Court had granted interest at the rate of 6% per annum on arrears of pension. Even the judgment of the Hon'ble Supreme Court in *O.P. Gupta Vs. Union of India* reported as *AIR 1987 SC 2257*, was taken into consideration in which on the delayed payment of pension and retirement



benefits, interest @ 12% per annum was granted. It was observed that in view of the above, discretion exercised by the trial Court granting interest @ 11% per annum was neither perverse nor illegal and called for no interference by the First Appellate Court.

4. Learned counsel for the appellant has not been able to show that discretion exercised by the trial Court and upheld by the First Appellate Court granting interest @ 11% per annum was in any way illegal. No question of law much less substantial question of law arises in the present case.

5. Keeping in view the abovesaid facts and circumstances, this Court is of the opinion that the judgments passed by the trial Court and the First Appellate Court decreeing the suit of the plaintiff/present appellant and granting interest @ 11% per annum are in accordance with law and same does not suffer from any illegality or perversity and no question of law let alone substantial question of law arises in the present appeal. Thus, the present Regular Second Appeal being meritless, deserves to be dismissed and is accordingly dismissed.

6. All the pending miscellaneous applications, if any, shall stand disposed of in view of the abovesaid order.

22.10.2024
Pawan

(VIKAS BAHL)
JUDGE

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