

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(106)

LPA-972-2023 (O&M)

Decided on : 20.02.2024

Sadhu Ram

.....Appellant(s)

Versus

State of Haryana & others

.....Respondent(s)

**CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA,
ACTING CHIEF JUSTICE
HON'BLE MS.JUSTICE LAPITA BANERJI**

Present: Mr.V.D.Sharma, Advocate for the appellant (s).

Mr.Deepak Balyan, Addl.Advocate General, Haryana.

G.S. Sandhawalia, ACJ (Oral)

1. Consideration in the present appeal which is barred by 165 days to the judgment passed by the Learned Single Judge dated 31.08.2022 in CWP-21117-2021.

2. Counsel for the appellant has sought to raise the issue of interest which is payable to the appellant under the Payment of Gratuity Act, 1972 (for short, the '1972 Act') while relying upon the judgment of the Apex Court in **Y.K.Singla Vs. Punjab National Bank & others, 2013 (3) SCT 663**.

3. We have perused the writ petition and noticed that there was a claim for interest on the gratuity which had been paid to him in January, 2020 before filing of the writ petition. The Learned Single Judge has granted the interest from 13.09.2018 i.e. the date of acquittal (Annexure P-3). From a perusal of the writ petition, it would go on to show that the pleadings are absolutely silent regarding the claim which is now sought to be raised by falling back upon the provisions of the 1972 Act. The Learned Single Judge has thus restricted the interest benefit on the basis of the judgment of the Full Bench of this Court in **A.S.Randhawa Vs. State of Punjab, 1997 (3) SCT**

468.

4. Faced with this situation, counsel for the appellant submits that since the appellant is claiming the benefit of interest on a sum of Rs.10 lakhs from the date of his retirement i.e. 30.11.2014, he may be permitted to withdraw the present appeal, to raise the said issue before the Learned Single Judge, if permissible in the peculiar facts and circumstances.
5. Accordingly, the present appeal stands dismissed as not pressed with the liberty afore-stated. All pending applications also stand disposed of.

(G.S. SANDHAWALIA)
ACTING CHIEF JUSTICE

20.02.2024
sailesh

(LAPITA BANERJI)
JUDGE

Whether speaking/reasoned :	Yes	
Whether Reportable :		No