



RSA-2334-2024 (O&M) *1*

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

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Date of decision: 20.09.2024

Punjab State Power Corporation Ltd. and another
... Appellants

Vs.

Devinder Singh Chanda
... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Ms. Jarnail Kaur Dhaliwal, Advocate
for the appellants.

SUVIR SEHGAL J.

1. Appellants-defendants are in second appeal before this court challenging the concurrent findings recorded by both the courts below.
2. Plead case of the respondent-plaintiff is that he retired as Additional Deputy Inspector General (Vigilance) on 30.06.2002 on attaining the age of superannuation. His service record had been consistently unblemished and he had never faced any disciplinary proceeding. Plaintiff claims that he was entitled to selection grade of Rs.4500-5700 w.e.f. 01.01.2000, which was not granted to him during his service tenure. He submitted repeated representations and the Board of Directors in its 62nd meeting held on 30.11.2017 favourably considered his case and he was found entitled to payment of arrears of Rs.9,74,207/-.

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An amount of Rs.7,89,801/- was disbursed to him on 01.03.2018 after deducting TDS. Claiming that he was entitled to interest w.e.f. 01.07.2002, till disbursement, he filed a suit for declaration.

3. Upon notice, the suit was contested by the defendants by taking numerous preliminary objections. It was submitted that the enhanced scale was given to the plaintiff by treating it as a special case and the plaintiff was not entitled to claim interest. Plaintiff filed replication reasserting the claim. Issues were framed on the basis of the pleadings of the parties, who led evidence in support of their respective case. After hearing counsel for the parties, trial Court by judgment dated 09.03.2023 decreed the suit to the effect that the plaintiff is entitled to interest @ 6% per annum on the amount of arrears of Rs.9,74,207/- w.e.f. 01.07.2002 to 01.03.2018. Defendant remained unsuccessful in the first appeal filed before the first appellate Court, which was rejected by the learned District Judge, Patiala on 23.05.2024. Defendants have approached this Court in the above backdrop.

4. Counsel for the appellant has argued that the courts below have erred in granting interest to the respondent-plaintiff as it was not a case of arrears of selection grade but it was a conversion of selection grade as per the revised policy introduced by the Government. She submits that suit filed by the respondent-plaintiff was barred by time as he had retired on 30.06.2002 and instituted the suit in November, 2018.

5. I have heard counsel for the appellant and considered her submissions.

6. The Board of Directors of the appellant, in the 62nd meeting

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held on 30.11.2017, passed the following resolution:-

"Resolved that the conversion of selection grade of Rs.4500-5700 granted to Sh. D.S. Chadha, Commandant/V&S as personal measure w.e.f. 1.1.2000 vide Secy.Estt. Gaz.-2, Patiala O/o No. 221/BEG dated 26.03.2001 be & is hereby allowed as Rs.14300-18150 on the basis of Punjab Govt. Notification No.7/1/97-FP-1/7370 dated 19.05.1998. Further resolved that as per Punjab Government Notification No.5/10/09-5FP1/207 dated 27.05.2009, the conversion of Rs.14300-18150 in the pay revision of 1.1.2006 is Rs.37400-67000+8600 grade pay be and is hereby allowed."

7. From a perusal of the above reproduced resolution, it is apparent that benefit of selection grade was granted to the respondent-plaintiff pursuant to a Government notification dated 19.05.1998. The selection grade granted to the respondent-plaintiff was personal to him, but it was resolved that he is entitled to it w.e.f. 01.01.2000. Respondent-plaintiff retired from service on 30.06.2002 and he is claiming interest on the delayed payment of the selection grade w.e.f. 01.07.2002 i.e. immediately after the date of his retirement, although he was entitled to interest from 01.01.2000. The payment of the arrears of the amount due to the respondent-plaintiff was made to him on 01.03.2018. As the respondent-plaintiff has been denied the admissible dues, the claim of interest is legitimate. Except for producing retirement order as Ex.D-1 and copy of office order dated 19.12.2017, Ex.D-2, appellants-defendants have not led any evidence to rebut the claim of the respondent-plaintiff.



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This court does not find any infirmity in the award of interest @ 6% p.a. by the courts below.

8. Insofar as the second argument raised by counsel is concerned, suffice is to notice that selection grade was granted to the respondent-plaintiff by resolution passed on 30.11.2017 and the benefit was disbursed to him on 01.03.2018. The suit had been instituted by the respondent-plaintiff on 20.11.2018 and it cannot be said to be barred by limitation. The cause of action arose to the respondent-plaintiff on 01.3.2018 and the suit is within period of limitation. Both the arguments raised by counsel for the appellants-defendants are without any substance and are rejected.

9. Appeal is devoid of merit and is hereby dismissed.

10. Pending application(s), if any, also stand(s) disposed of.

20.09.2024

pooja saini

(SUVIR SEHGAL)
JUDGE

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