



RSA-3089-2015 (O & M)

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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

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RSA-3089-2015 (O & M)

Date of decision:12.08.2024

THE SECRETARY-CUM-COMMISSIONER, EDUCATION
DEPARTMENT AND ORS. ...APPELLANTS

VERSUS

HARI SINGH

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

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

None for the respondent.

SUVIR SEHGAL J. (ORAL)

1. State-defendants are in second appeal before this Court challenging the concurrent finding recorded by both the Courts below.
2. Plead case of the plaintiff-respondent is that he retired from the post of Deputy District Education Officer, Kurukshetra, on 30.04.2008. However, his retiral benefits, revised pay and allowances were not released on time. He filed a suit for declaration with consequential relief of mandatory injunction.
3. Upon being served, defendants filed a reply, contesting the suit on various grounds. A stand was taken that the plaintiff did not submit the requisite form within the specified time, due to which, delay had occasioned in the release of the retiral benefits. Plaintiff did not file any replication. Issues were framed on the basis of the pleadings of the parties, who led evidence in support of their case. After hearing the



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parties, Trial Court by judgment dated 30.04.2013, decreed the suit to the effect that the plaintiff is entitled to the retiral benefits as prayed for alongwith interest @ 18 % p.a. from the date of actual payment till realization. In first appeal preferred by the defendants, learned Additional District Judge, Kurukshetra, partly accepted the appeal and modified the Trial Court decree to the effect that interest shall be payable on retiral dues disbursed after three months of retirement. Defendants are in appeal before this Court challenging the award of interest @ 18% p.a.

4. While issuing notice, this Court by order dated 03.07.2015, directed that payment of interest beyond 9% p.a. shall remain stayed. Despite service of notice upon the respondent, there is no representation on his behalf.

5. In **D.D. Tewari (D) through LRs Vs. Uttar Haryana Bijli Vitran Nigam Limited and others (2014) 8 SCC 894**, Supreme Court awarded an interest @ 9% p.a. on the delayed payment of pension and gratuity. Following the dictum of the Supreme Court, the judgments and decrees passed by both the Courts are modified and rate of interest awarded is reduced to 9% p.a.

6. Appeal is disposed of.

7. Pending application(s), if any, is disposed of.

12.08.2024
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(SUVIR SEHGAL)
JUDGE

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