



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

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RSA-1875-2014(O&M)
Date of decision: 29.08.2024

Jagtar Singh and another

... Appellants

Vs.

State of Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Arjun Sawhni, Advocate for
Mr. Manu K. Bhandari, Advocate for the appellants.

Mr. Anil Bansal, DAG, Punjab.

SUVIR SEHGAL, J.

1. Plaintiffs-appellants are in second appeal before this Court seeking modification of the judgments and decrees passed by the courts below.

2. Pleaded case of the plaintiffs-appellants is that his father Sh. Balkar Singh, who was working as a Mate, unfortunately died in harness on 15.08.1988 and their mother Smt. Amar Kaur, became entitled for grant of pensionary benefits. She unfortunately expired on 03.07.1992 without getting the benefits. Plaintiffs filed a suit for declaration to the effect that the non-grant of the pensionary benefits viz. gratuity, leave encashment, ex-gratia, GIA, GP, Fund family pension etc. is illegal and for the release of the said benefits along with interest @ 18% per annum.



3. Upon notice, suit was contested by the defendants by taking various preliminary submissions. Claim was resisted by taking a stand that the plaintiffs did not submit a copy of the succession certificate and after such a long gap, they are not entitled to the benefits. It was submitted that Sh. Balkar Singh, deceased was given provisional regular appointment vide order dated 20.06.1973 and that after his death, his widow never claimed GPF and other benefits. Issues were framed on the basis of the pleadings of the parties, who led evidence in support of their case. After the parties were heard, trial Court by judgment dated 24.05.2012 partly decreed the suit to the effect that the plaintiffs are entitled to the pensionary benefits like gratuity, GPF etc. however, their claim for family pension was declined. Both the plaintiffs and defendants filed separate appeals challenging the judgment and decree of the trial Court, which were decided together by the learned Additional District Judge, Patiala. By judgment dated 01.02.2013, appeal filed by the defendants was rejected whereas the appeal preferred by the plaintiffs-appellants was partly accepted and they were held entitled to the payment of arrears of pensionary benefits along with interest @ 6% p.a. from the date of filing of the suit till payment.

4. Relying upon the judgment of the Supreme Court in **Vijay L. Mehrotra Versus State of U.P. 2000 AIR (Supreme Court) 3513**, counsel for the appellants has argued that the plaintiffs-appellants are entitled to interest @ 18% per annum on the delayed payment of retiral benefits. Reliance has also been placed upon the



judgment of Full Bench of this Court in **A.J. Randhawa, Supdg. Engineer (Retd.) Versus State of Punjab, 1997(3) RSJ 318** to contend that this Court has granted interest @12% per annum for the period of delay in the disbursement of the pension.

5. Per contra, State counsel has supported the judgment and decree under challenge and has argued that no enhancement of interest rate deserves to be granted.

6. I have heard counsel for the parties and considered their respective submissions.

7. A perusal of the record shows that Sh. Balkar Singh, predecessor of the plaintiffs, expired in August, 1988 and a suit for declaration was filed by the plaintiffs-appellants on 02.03.2007 i.e. after a period of almost 18 years of the death of their father. No evidence has been led by the plaintiffs-appellants to the effect as to whether their mother had ever applied for the pensionary benefits during her life time. From the cross-examination of the plaintiff's witnesses, it is evident that they did not complete the necessary formalities for grant of pension and straightaway approached the Civil Court with the suit for declaration. In this backdrop, the lower Appellate Court came to the conclusion that the award of simple interest @ 6% p.a. would meet the ends of justice. This Court is, therefore, of the view that the interest rate awarded by the lower Appellate Court is just and reasonable. The judgment and decree passed by the lower Appellate Court does not require any modification.



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8. Appeal is devoid of merits and is hereby dismissed.
9. Pending application(s), if any, is/are also disposed of.

29.08.2024
pooja saini

(SUVIR SEHGAL)
JUDGE

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