

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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RSA-2978-2017 (O&M)
Date of decision: 16.04.2024

State of Punjab and others

.....Appellants

VERSUS

Iqbal Singh (deceased) through Smt. Sukhraj Kaur widow and his legal heir

.....Respondent

CORAM : HON'BLE MR. JUSTICE NAMIT KUMAR

Present: Ms. Arundhati Kulshreshtha, A.A.G., Punjab
for the appellants.

None for the respondents.

NAMIT KUMAR, J. (Oral)

CM-7431-C-2017

The instant application has been filed under Section 5 of the Limitation Act seeking condonation of delay of 273 days in filing the appeal.

Notice in the application was issued on 18.07.2017. But no reply has been filed thereto.

In view of the averments made in the application, the same is allowed. Delay of 273 days in filing the appeal is condoned.

RSA-2978-2017

1. The plaintiff, who retired as Agriculture Development Officer on 31.10.1994, preferred a suit on 23.12.2009, claiming payment of General Provident Fund (for short 'GPF'), amount along with interest @ 18% per

annum.

2. It is admitted fact that during the pendency of the suit, the GPF payment of Rs. 64,339/- was paid to the LR's of the plaintiff on 14.01.2011 and the suit filed by the plaintiff has been decreed by the learned trial Court vide judgment and decree dated 05.12.2014, by granting interest @ 18% per annum. The appeal preferred by the State has been dismissed by the learned lower Appellate Court vide judgment and decree dated 08.04.2016. Hence, this appeal has been filed.

3. Learned counsel for the appellant-State of Punjab submits that the grant of interest @ 18% per annum on the GPF amount is on the higher side and the learned Courts below have not made any reference with regard to any rule or instructions while granting the interest @ 18% per annum. Despite service, no one has put in appearance on behalf of the respondent since 25.03.2019.

4. The facts are not in dispute that the plaintiff retired from service on attaining the age of superannuation on 31.10.1994 and for claiming the GPF amount, he preferred the suit on 23.12.2009 and GPF amount of Rs. 64,339/- was released to the LR's of the plaintiff on 14.01.2011 during the pendency of the suit. A perusal of the judgments passed by the learned Courts below would show that neither any rule or instructions have been relied upon while granting interest @ 18% per annum and reference of the judgment of the Hon'ble Supreme Court has been made in the case of ***Vijay L. Mehrotra Vs. State of U.P. And others, 2002(2) RSJ 647***. The said judgment was rendered in the year 2002, when rate of interest was on the higher side. Even otherwise, no law has been laid down in the said judgment that in all the cases where there is a delay in

releasing of retiral benefits interest @ 18% per annum is to be granted. The plaintiff is entitled to the grant of interest, which is applicable to the GPF amount, on the date of retirement of the plaintiff i.e. 31.10.1994, as he became entitled for the said amount on the date of retirement. Consequently, the judgments/ decrees passed by the learned Courts below are modified to that extent. The appeal stands disposed of in the above terms.

5. Pending applications, if any, shall also stand disposed of.

16.04.2024

Satyawan

(NAMIT KUMAR)

JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No