



119

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

RSA-1147-2017

Date of decision: 18.08.2025

**MANAGING COMMITTEE SWAMI PREMA NAND COLLEGE &
ANR**

..Appellants

Versus

S.K. KAUSHAL (DECEASED) THROUGH LRS.

..Respondent

CORAM: HON'BLE MRS. JUSTICE SUDEEPTI SHARMA

Present: Mr. Sameer Sachdeva, Advocate
for the appellants.

Mr. Sandeep Bansal, Advocate
Mr. Sameer Kumar, Advocate
for respondent.

SUDEEPTI SHARMA, J. (Oral)

1. The challenge in the present appeal is to judgment and decree dated 08.01.2014 passed by learned Civil Judge (Junior Division), Mukerian, whereby, civil suit filed by the respondent for interest at the rate of 12% on the due amount of gratuity was decreed in his favour and judgment and decree dated 06.09.2016 passed by learned Additional District Judge, Hoshiarpur, whereby, appeal filed by the appellant against judgment and decree dated 08.01.2014 was dismissed.

2. The civil suit was filed by the respondent only for grant of interest at the rate of 12% on delay in payment of the due amount of gratuity from the due date till its payment and the payment of gratuity is not denied by the respondent. The delay in payment of due amount of gratuity is also admitted therefore, detailed facts are not required to be stated.



Submissions of learned counsel for the parties:-

3. Learned counsel for the appellant contends that the appellant is grant-in-aid college and 95% is to be paid by the government. Since, there is no delay on the part of the appellant to pay the gratuity therefore, civil suit filed by the respondents should not have been decreed in their favour.

4. Even in para 3 of the grounds of appeal, it is admitted fact of the appellant that the respondent was never denied the right of gratuity but it was delayed only owing to the fact that appellant is grant-in-aid college and 95% of the amount is paid by the government, therefore, the amount to be paid to the respondent was delayed.

5. Per contra, learned counsel for the respondents argues on the line of civil suit and contends that the appellant is not denying the delayed payment of gratuity therefore, the civil suit filed by the respondent is rightly decree in their favour.

6. I have heard learned counsel for the parties and have perused the whole record of this case file with their able assistance.

Analysis of record and discussion:-

7. A perusal of the record shows that delayed payment of gratuity is not disputed by the appellant. The only ground taken by the appellant for delayed payment is that the appellant is grant-in-aid college and 95% of the amount is to be paid by the government. Further, it is admitted fact by the appellant that the matter regarding 95% grant-in-aid qua pension and gratuity was pending before this Court and thereafter, before the Hon'ble Supreme Court and subsequently, Hon'ble Supreme Court remanded the case to this Court with specific direction to the appellant/college management to make the payment and then seek reimbursement from the State Government.

**Decision:-**

8. The appellant is not denying the relief claimed by the respondents in civil suit but only contention is that the appellant is grant-in-aid college and 95% is to be paid by the government.

9. In view of the above, I do not find any infirmity or illegality in the judgment and decree dated 08.01.2014 passed by learned Civil Judge (Junior Division), Mukerian and judgment and decree dated 06.09.2016 passed by learned Additional District Judge, Hoshiarpur, and the same are hereby upheld.

10. Consequently, the present appeal is hereby ***dismissed***. Parties are left to bear their own costs.

11. Decree sheet be drawn.

August 18th, 2025

Ayub

**(SUDEEPTI SHARMA)
JUDGE**

Whether speaking/reasoned : *Yes/No*

Whether reportable : *Yes/No*