

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

RSA-517-2016 (O&M)

STATE OF PUNJAB AND ANOTHER

..Appellants

Versus

SWARANJIT SINGH

..Respondent

Reserved on: 19.03.2026

Pronounced on: 27.03.2026

Uploaded on: 06.04.2026

Whether only the operative part of the judgment is pronounced?

NO

Whether full judgment is pronounced?

YES

CORAM: HON'BLE MRS. JUSTICE SUDEEPTI SHARMA

Present: Mr. Ravneet Singh Joshi, DAG, Punjab

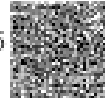
Mr. R.K. Sharma, Advocate
for the respondent.

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SUDEEPTI SHARMA, J. (Oral)

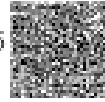
1. The present appeal is preferred against judgment and decree dated 01.04.2014 passed by learned Civil Judge (Jr. Division), Chandigarh, whereby, civil suit filed by the respondent was decreed in his favour and judgment and decree dated 01.10.2015 passed by Additional District Judge, Chandigarh, whereby, appeal filed by appellant was partly dismissed and partly modified with regard to interest.

2. Brief facts of the case as per the civil suit are that respondent joined service as Assistant Registrar Cooperative Societies on 30.06.1980 after selection by the Punjab Public Service Commission. In the year 1990 he was promoted as Deputy Registrar and then Joint Registrar in the year 1995. He was promoted as Additional Registrar in April 2006 and continued to work till his retirement on 31.05.2010. After retirement since he was



entitled for retiral benefits he moved an application for release of retiral benefits. Leave encashment was paid to him in August 2011 which was delayed by 14 months. Provisional pension was paid to him for 06 months i.e. upto November, 2010. Thereafter, neither provisional pension nor regular pension was paid to him. Further vide endorsement dated 03.12.2010 respondent received orders, whereby, his pay was reduced from Rs.12,375/- to Rs.12,000/- on 01.04.2001. He filed civil suit for regular pension and arrears of pension along with interest @18% per annum and challenging order dated 30.12.2010, whereby, his pay was reduced on the ground that neither departmental proceedings nor any criminal case is pending against the respondent, therefore, he was entitled to regular pension and also arrears of pension along with interest @18% per annum. And that before issuing order dated 03.12.2010, no show cause notice was issued. Civil suit filed by him was decreed in his favour vide judgment and decree dated 01.04.2014 passed by learned Civil Judge (Jr. Division), Chandigarh and he was held entitled to retiral benefits along with interest @12% per annum on delayed payment. Appellant-State filed appeal against the same which was partly dismissed and partly modified to the extent by granting interest @8% per annum instead of 12% per annum vide judgment and decree dated 01.10.2015 passed by learned Additional District Judge, Chandigarh. Hence, the present regular second appeal.

3. Learned counsel for the appellants contends that both the Courts have failed to appreciate the evidence on record. Particularly the respondent's own application (Ex.D-9) which operated as an estoppel against him. He further contends that both the Courts have failed to consider that the



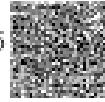
recovery of public funds paid by mistake is a settled principle of law and the respondent was never entitled to parity with an ex-serviceman. He, therefore, prays that the present appeal be allowed and judgments and decrees dated 01.04.2014 and 01.10.2015 be set aside.

4. Per contra learned counsel for respondent contends that there is no infirmity in judgments and decrees dated 01.04.2014 and 01.10.2015. He, therefore, prays that the present regular second appeal be dismissed.

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

6. Admittedly, respondent retired as an Additional Registrar on 31.05.2010. One Baldev Singh Panwar who was junior to respondent was given benefit of fixation of pay and thereafter, he was promoted as Joint Registrar on 01.04.2001 and pay of said Baldev Singh Panwar was fixed more than the pay of respondent, who had been promoted as Joint Registrar in the year 1995. Thereafter, pay of respondent was stepped up at par with the pay of said Baldev Singh Panwar. However, the pay of respondent was reduced without any show cause notice and opportunity of being heard. While challenging the order it was the contention of respondent that there was no misrepresentation on the part of respondent in stepping up of his pay, therefore, the order dated 03.12.2010 is bad in the eyes of law.

7. Admittedly, said Baldev Singh Panwar was junior to the respondent. Therefore, both the Courts have rightly set aside order dated 03.12.2010, whereby, pay of respondent was reduced without giving him any show cause notice and opportunity of being heard.



8. Now coming to the delay in grant of retiral benefits to respondent. A perusal of the record shows that there is an admitted delay in payment of retiral benefits. Therefore, I do not find any infirmity in both the judgments dated 01.04.2014 and 01.10.2015. Rather learned Additional District Judge, Chandigarh has reduced the interest on delayed payment from 12% to 8%.

9. Accordingly, the present regular second appeal is ***dismissed***.

10. A perusal of the file shows that judgment and decree passed by Additional District Judge, Chandigarh is dated 01.10.2015 and there is no stay of the same. Still, till date judgments and decrees dated 01.04.2014 and 01.10.2015 are not implemented. Since the present regular second appeal pertains to the year 2016 and despite there being no stay of impugned judgment and decree dated 01.10.2015, the same is not implemented. Since last 10 years respondent is not granted the relief as prayed for in the civil suit filed in the year 2011 and decreed in his favour in the year 2014. The present regular second appeal which was filed in the year 2016 is decided in the year 2026 i.e. after 10 years, therefore, justice demands that the respondent be not forced to file execution for the relief claimed in the civil suit which was decreed in his favour.

11. In view of the same, appellants are directed to implement the decrees and pay the amount due to the respondent within a period of two months from the date of decision.

12. Respondent is directed to provide his bank account details to the appellant.



- 13. Decree sheet be prepared accordingly.
- 14. Pending application(s), if any, also stand disposed of.

27.03.2026

Gaurav Arora

(SUDEEPTI SHARMA)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No