



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

321

RSA-696-2002 (O&M)

Date of Decision: May 08, 2025

State of Haryana

.....Appellant(s)

Vs.

Rajender Parsad Retd. Headmaster

.....Respondent(s)

CORAM: HON'BLE MRS. JUSTICE SUDEEPTI SHARMA

Present: Mr. Shivendra Swaroop, DAG, Haryana
for the appellant.

Mr. Deepak Vashisht, Advocate for the respondent.

SUDEEPTI SHARMA J. (ORAL)

The present appeal is preferred against the judgment and decree dated 24.07.2001 passed by Learned Civil Judge (Junior Division), Rohtak whereby the Civil Suit filed by the respondent-Rajender Parsad claiming interest on the ground of delay in grant of retiral benefits is decreed in his favour and interest @ 12 % per annum on delayed payment was granted and judgment and decree dated 04.12.2001, whereby, the appeal filed by the appellant was dismissed and the appeal filed by the respondent was accepted and the amount of interest was increased from 12% to 18% per annum.

BRIEF FACTS OF THE CASE

2. Brief facts of the case are that respondent was serving in the Education Department and retired from the post of Head-Master on 30.04.1998. Since his retiral benefits were not granted timely and he was entitled to interest for the delayed payment, therefore, he filed Civil Suit for the



same, which was decreed in his favour and he was held entitled to receive 12% interest on the delayed payment. Both-the appellant as well as the respondent challenged the judgment and decree dated 24.07.2001 passed by learned Civil Judge (Junior Division), Rohtak. Appellant filed an appeal on the ground that there was no delay on their part to disburse the retiral benefits and respondent filed appeal on the ground that the interest granted by the learned Civil Judge (Junior Division), Rohtak is on the lower side and he is entitled to 18% of interest on the delayed payment till its realization.

3. The appeal filed by the appellant was dismissed whereas the appeal filed by the respondent was allowed and the interest was increased from 12% to 18% per annum. Hence, the present Regular Second Appeal.

SUBMISSION OF LEARNED COUNSELS FOR THE PARTIES

4. Learned counsel for the appellant contends that since delay in submitting the papers for retiral benefits was on the part of the respondent, therefore, both the Courts wrongly held the respondent entitled to the interest. Further, learned first Appellate Court has wrongly increased the rate of interest from 12% to 18% per annum.

5. Per contra, learned counsel for the respondent submits that while admitting the matter, the payment on interest beyond 12% per annum was stayed by this Court vide order dated 05.02.2002 and till date even that amount is not paid to the respondent by the appellant and the respondent is rightly held entitled to 18% of the interest. He further submits that the appellant has expired on 03.02.2021 and now his legal heirs are praying for the interest.



6. I have heard learned counsel for the parties and perused the whole record of this case.

7. A perusal of the record shows that learned first Appellate Court held the respondent entitled to receive interest @ 18% per annum w.e.f. 01.07.1998 till the date of payment of all retiral benefits. Learned first Appellate Court increased the rate of interest of 12 % granted by the learned Civil Judge, Rohtak to 18% per annum. Vide order dated 05.02.2002, payment of interest beyond 12% per annum was stayed by this Court. Admittedly, even 12% interest per annum is not paid to the respondent till date.

8. Learned counsel for the appellant on instructions from Sh. Hari Das, Assistant, Block Education Officer, Kalanaur, Rohtak, does not dispute this fact.

9. It is unfortunate that the respondent has expired on 03.02.2021 i.e. during the pendency of the present appeal and did not even receive 12% interest as per order dated 05.02.2002 passed by this Court. Vide judgment and decree dated 04.12.2001 passed by learned District Judge, Rohtak, the respondent was held entitled to 18% of the interest and this court vide order dated 05.02.2002 stayed payment of interest beyond 12% per annum and admittedly the appellant has not paid the same which amounts to Contempt of court.

10. So far as the decision of the present appeal on merits is concerned, Hon'ble Supreme Court in judgment dated 04.03.2022 passed in ***Dr. A. Selvaraj Vs. C.B.M. College and others, 2022(4) SCC 627*** held that the retired employee should not be made to suffer for no fault of his and if there is delay in



payment of pensionary benefits, the reitred employee is entitled for interest on delayed payment.

11. In view of the law laid down by Hon'ble Supreme Court as referred to above, admittedly the delay in payment of retiral benefits is on the part of the appellant, therefore, I do not find any infirmity in the judgment and decree dated 04.12.2001 passed by learned District Judge, Rohtak and the same is upheld. The present Regular Second Appeal is *dismissed*.

12. After perusing the status of the case till date, this Court proposed to issue contempt notice to the appellant and imposition of costs of Rs.10 lacs for depriving the respondent (since deceased) of his right to the interest.

13. Learned counsel for the appellant requested that the contempt proceedings be not initiated and further that the costs imposed is on the higher side.

14. On his assurance of compliance of judgment and decree dated 04.12.2001 passed by learned District Judge, Rohtak, the costs of Rs.10 lacs is reduced to Rs.5 lacs.

15. The respondent filed civil suit for grant of interest which he was legally entitled to, after facing litigation for 25 years. This RSA is ultimately decided today i.e. 08.05.2025. Justice demand that no further delay is caused in the payment of interest to the legal heirs of the respondent since the respondent expired on 03.02.2021 waiting for the justice to be delivered. Therefore, the appellant is directed to deposit the amount of costs of Rs. 5 lacs within two weeks and to deposit interest @ 18% per annum in compliance of judgment and decree dated 04.12.2001 passed by learned district Judge, Rohtak within



four weeks from the date of receipt of copy of this judgment in the accounts of legal heirs of the respondent.

16. Learned counsel for the respondent is directed to provide account number of legal representatives of the respondent so that the amount be disbursed to them.

17. Decree sheet be drawn.

18. The parties are left to bear their own costs.

19. All the pending application(s) also stand disposed of.

(SUDEEPTI SHARMA)
JUDGE

May 08, 2025
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Whether speaking/reasoned:	Speaking
Whether reportable	Yes / No