

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

CWP-10025-2005

Date of decision : 18.03.2015

S.K.DUA

...Petitioner

V/S

STATE OF HARYANA ETC

...Respondents

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. P. S. Bajwa, Advocate
for the petitioner.

Mr. Sourabh Mohunta, DAG, Haryana

JITENDRA CHAUHAN, J. (Oral)

This writ petition has been filed under Article 226 of the Constitution of India for issuance of a writ in the nature of mandamus directing the respondents to pay interest @ 18% per annum (compound) on account of delayed release of retiral benefits.

It is contended that during Joint Punjab on 08.08.1961 the petitioner joined Irrigation Department and thereafter, he was re-allocated to the Department of Irrigation and Power in the State of Haryana. He was promoted as Engineer-in-Chief on 31.05.1996. The petitioner submitted his pension papers before his retirement i.e. 30.06.1998 to the competent authority. In pursuance thereof the Administrative Officer issued No Objection Certificate (Annexure P-2) to the effect that no departmental inquiry/chargesheet etc. was pending

against the petitioner. He is being paid the provisional pension, whereas the other retiral benefits on account of the three chargesheets/show cause notices served upon him just a few days before his retirement were withheld. However, the petitioner was exonerated of all the charges and his all retiral benefits were released. But no interest on the delayed payment was paid to the petitioner, so far.

On the other hand, learned State counsel states that all retiral benefits were released immediately to the petitioner as per State Government instructions dated 20.02.2002 i.e. within a period of three months from the date when the last charge sheet pending against the petitioner was dropped.

Heard.

In *The Financial Commissioner & Principal Secretary to Govt. Haryana, Irrigation Department, Civil Secretariat, Chandigarh and others Vs. Hasan Singh Kanwar, SDO, 2010 (1) SLR 788*, it has been held as under:-

“We are unable to appreciate this submission. Even if there was justification on account of pendency of proceedings, the respondent could not be deprived of interest which may have accrued on the amount. Compensatory interest and penal interest are on different footing. Direction for penal interest may be justified only if there was wrongful conduct but compensatory interest could be ordered for delay in making payment, to prevent unjust enrichment and also on the principle of restitution.”

In view of the above, the present petition is allowed in terms of Hasan Singh's case (*supra*) and the respondents are directed to pay the interest @ 8% on the delayed payment to the petitioner within a period of four months from the date of receipt of certified copy of this order.

18.03.2015

ashok

(JITENDRA CHAUHAN)
JUDGE

Whether referred to reporter= yes/no ?