

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-23706 of 2013 (O&M)
Date of decision : 06.08.2015

Ishar Singh Walia ...Petitioner

V/S

State of Punjab and ors. ...Respondents

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present:- Mr. N. S. Malmajra, Advocate for the petitioner (s).

Ms. Harsimrat Rai, DAG, Punjab

JITENDRA CHAUHAN, J. (Oral)

By way of instant petition, the petitioner is seeking interest on the delayed payment.

Learned counsel for the petitioner refers to the chart showing the due date and date of receipt of disbursement reflected in Para No.5 of the writ petition, which has also not been controverted by the respondents in the written statement. The said chart reflected in Para No.5 of the writ petition reads as under:-

Sr. No.	Description Amount	Amount	Due date	Date of receipt of disbursement	Approximate period of delay of delay year and month	Interest be calculated on delayed payment of 18% for
1	DCRG	2250	01/04/91	19/05/94	3 years 1 ½ months	3 years 1 ½ months
2	Pension	99684	01/04/91	22/03/03	12 years	12 years
3	DCRG	7350	01/04/91	29/05/03	12 years 2 months	12 years 2 months

Sr. No.	Description Amount	Amount	Due date	Date of receipt of disbursement	Approximate period of delay of delay year and month	Interest be calculated on delayed payment of 18% for
4	Arrear of two increments 01.09.1987 and 01.09.1988	4301	30/09/87	23/08/06	19 years	19 years
5	Pay for 5/86	1652.8	31/05/86	29/01/09	23 years	23 years
6	Pay 01.09.1986 to 31.03.1991	24554	30/09/86	30/06/09	22 years 9 months	22 years 9 months
7	Proficiency step up at 8 years and 18 years 01.09.1986	5731	30/09/86	10/06/09	22 years 9 months	22 years 9 months
8	Leave encashment	7248	01/04/91	21/10/09	18 years 7 months	18 years 7 months
9	IR and RFA 1/86 to 9/88	7460	31/01/86	10/02/10	24 years 1 month	24 years 1 month

However, it is asserted by the respondents that the case of the petitioner regarding the interest on the delayed payment was examined, but it was found that there has been no delay on the part of the respondents in making payment to the petitioner. No explanation has been given on record as to how there is no delay in releasing the payment, which is clearly made out from the chart in Para No.5 of the writ petition. The dates of payment have also not been in dispute.

In the aforementioned factual aspect of the matter, the assertions of the learned State counsel that there is no delay on the part of the respondents, cannot be accepted.

Accordingly, the present petition is disposed of with a direction

to the respondents to calculate the interest amount on the delayed payment in terms of **A. J. Randhawa Vs. State of Punjab** 1998 (1) SCT 343 Full Bench Punjab and Haryana High Court and **The Financial Commissioner & Principal Secretary to Govt. Haryana, Irrigation Department, Civil Secretariat, Chandigarh and others Vs. Hasan Singh Kanwar, SDO,** LPA No.915 of 2009, decided on 07.10.2009, within eight weeks from the receipt of a certified copy of this order and release the necessary payment within eight weeks, thereafter.

06.08.2015

ashok

(JITENDRA CHAUHAN)
JUDGE