

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.2144 of 2015

Date of Decision:- 17.09.2015.

Shamsher Singh Narwal

.....Petitioner

Versus

Haryana Vidyut Parsaran Nigam Limited and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE P.B. BAJANTHRI

1. Whether Reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

Present: Mr. Naveen Daryal, Advocate for the petitioner.

Mr. Ashok S. Chaudhary, Additional A.G. Haryana.

P.B. BAJANTHRI, J.

1.) In this petition, the petitioner has sought for the following relief:-

“a) for issuance of writ in the nature of mandamus directing the respondent to allow the arrear of G.P.F. Which was not credited to the G.P.F. Account of the petitioner for the year 1995-96. The amount of Rs.861/- alongwith interest on delayed payment after the retirement on 30.04.2010. Petitioner is entitled interest on delayed payment for the arrear of Rs.3,04,582/- as per Govt. instruction dated 20.02.2002 and the same has been adopted by the respondent and release the consequential benefits along with interest @18% per annum from the date of accrual till the date

of realization.”

2.) The petitioner is stated to have joined service as Upper Division Clerk on 27.12.1974 in the office of the first respondent. He was promoted to the cadre of Assistant on 24.12.1980. Petitioner was promoted upto the cadre of Under Secretary and retired in the post of Under Secretary on 30.04.2010. In the year 2005, there was a pay anomaly between the petitioner and his juniors, namely, Sh. Som Dutt and Sh.Ashwani Kumar Bhatia. For the purpose of rectification of the pay anomaly, petitioner submitted a representation in the year 2006. The same was not considered by the respondents. Thereafter, he has approached the respondents by issuing a legal notice through his counsel on 25.7.2011. Pursuant to the claim of the petitioner, the pay anomaly was rectified and arrears were disbursed on 12.3.2014. The petitioner's grievance is that there is delay in rectifying the pay anomaly, therefore, he is entitled to interest on arrears amount. Thus, he is before this Court.

3.) On the other hand, learned State counsel submitted that grievance of the petitioner was taken note of. His initial grievance was with one Sh. Som Dutt. Later on grievance of the petitioner to rectify his pay anomaly was with Sh. Ashwani Kumar Bhatia. Therefore, there is a delay in rectifying the petitioner's grievance relating to pay anomaly on par with his juniors. Since there is inordinate delay in approaching the Authorities, therefore, the question of granting interest on the arrears amount is not

permissible.

4.) Heard learned counsel for the parties.

5.) Admittedly, there is a pay anomaly between the petitioner and his juniors in the year 2005. The petitioner requested to rectify the same in the year 2005 to the respondents. Thereafter, the petitioner did not approach this Court seeking for a direction to the respondents to rectify the pay anomaly. For the first time in the year 2011, a legal notice was issued through his counsel to rectify the pay anomaly and thereafter, he has approached this Court in the year 2013 and this Court disposed of his **CWP No.23919 of 2013** directing the respondents to consider the legal notice and to take action and to pass speaking order. Consequently, the respondents rectified the pay anomaly of the petitioner on par with his juniors and settled his arrears on 12.3.2014. Having regard to the facts and circumstances that there is delay on both the petitioner as well on the respondents regarding grievance of the petitioner to rectify the pay anomaly, the interest on arrears amount is restricted for the period from October, 2011 to 12.3.2014. The respondents are directed to calculate interest on the arrears amount for the period from October, 2011 to 12.03.2014 and to disburse the interest @ 9 % per annum.

6.) Accordingly, the writ petition is disposed of.

(P.B. BAJANTHRI)
JUDGE

September 17, 2015.

sandeep sethi