

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

**CM No.2238 of 2016 in/and
CWP No.7621 of 2002
Date of Decision: 01.03.2016**

Parshotam Dass

... Petitioner

Versus

State of Punjab and others

... Respondents

CORAM:- HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr. Vikas Chatrath, Advocate and
Mr. Gurpreet Singh, Advocate,
for the petitioner.

Mr. Inqulab Nagpal, AAG, Punjab.

1. To be referred to the Reporters or not?
2. Whether the judgment should be reported in the Digest?

RAJIV NARAIN RAINA, J. (Oral)

The main case taken up on Board by consent.

Heard for final disposal.

The written statement admits the claim. The money has remained due and payable since a long time. The State has averred that the pay of the petitioner has been fixed but the amounts determined will be released shortly. The affidavit has been filed on February 11, 2016.

In view of the stand in the written statement, it would not be necessary to keep this matter in adjournment motion. It would serve justice in a far more wholesome way to direct the State to release the money due within six weeks from the date of receipt of certified copy of this order.

However, delayed payments would earn interest not only on the basis of

equity but as a matter of right for depriving the petitioner for use of money which is a right to property protected by Article 300-A of the Constitution of India.

Therefore, this Court deems it fit to award interest @12% the case being an aggravated one pending for 14 years with Government making no effort to release the admitted dues all this while. I would, apply the law laid down by the Full Bench in **A.S. Randhawa v. State of Punjab and others**, 1997(3) SCT 468 where this Court has held that interest should range from 12% to 18% higher amounts being for more aggravated forms withholding money by the State.

Accordingly, this petition is allowed in the above terms.

**(RAJIV NARAIN RAINA)
JUDGE**

01.03.2016
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