IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 10530 of 2013
Date of decision: 21.4.2016

Jarnail Singh … Petitioner

Versus

State of Punjab & ors. ... Respondents

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

Present: Mr. HK Brinda, Advocate,
for the petitioner.

Dr. Puneet Kaur Sekhon, Addl.A.G., 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)

1. Letters Patent Appeal No.1196 of 2015 titled 'State of Punjab & ors. v. Jarnail Singh' has been dismissed by the Division Bench of this Court on December 14, 2015 orders in which were awaited. There is hardly any doubt that the prayers in this petition are covered by the decision in State of Punjab & ors. vs. Harbans Lal with the dismissal of the Review Petition (C) No.2038 of 2013 before the Supreme Court on November 4, 2015 in Special Leave Petition (C) No.23578 of 2012 filed by the State of Punjab against the orders of this Court.

2. This is the third round of litigation the petitioner has had to bear the brunt of litigation while pursuing the same relief. The petitioner has retired from service on September 30, 2010 and his pension and pensionary dues have been withheld since then on which he claims interest as well on the principal amount remaining unpaid.

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3. Two questions remain to be examined: One, with respect to interest and its rate, if admissible and, Secondly from which date should it accrue. It may be noted that the petitioner had filed the first petition in the year 2010 shortly after his retirement which was disposed of with the direction to the respondents to consider his case by passing a speaking order. The next litigation did not yield the desired relief which brought the present petition. In these circumstances, the rate of interest payable on amount due will earn interest at the rates of interest on long term deposits in nationalized banks (current prevailing rates to cover the entire period till payment) running from the date of retirement since the declaration of law in favour of the petitioner by the Division Bench of this Court was pronounced on August 31, 2010 i.e. prior to retirement which law was in rem. It makes no difference if he was not a party to the litigation. The principal amount plus the element of interest be now calculated and paid to the petitioner within *three months* from the date of receipt of a certified copy of this order. The petition is, accordingly, allowed in terms of the decision in *Harbans Lal's* case (supra).

(RAJIV NARAIN RAINA)
JUDGE

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