

CWP No.13405 of 2015 (O&M)
CWP No.15324 of 2015
CWP No.15974 of 2015
CWP No.16075 of 2015
CWP No.22384 of 2015
CWP No.22866 of 2015
CWP No.19405 of 2015

-1-

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

1. CWP No.13405 of 2015 (O&M)

Ashok Kumar and others ... Petitioners

Versus

State of Punjab and another ... Respondents

2. CWP No.15324 of 2015

Ashok Kumar ... Petitioner

Versus

State of Punjab and another ... Respondents

3. CWP No.15974 of 2015

Mam Chand ... Petitioner

Versus

Pepsu Road Transport Corporation ... Respondent

4. CWP No.16075 of 2015

Jagtar Singh ... Petitioner

Versus

Pepsu Road Transport Corporation ... Respondent

5. CWP No.22384 of 2015

Bachittar Singh and others ... Petitioners

Versus

State of Punjab and another ... Respondents

CWP No.13405 of 2015 (O&M)
CWP No.15324 of 2015
CWP No.15974 of 2015
CWP No.16075 of 2015
CWP No.22384 of 2015
CWP No.22866 of 2015
CWP No.19405 of 2015

-2-

6. CWP No.22866 of 2015

Mewa Singh and others ... Petitioners

Versus

State of Punjab and another ... Respondents

7. CWP No.19405 of 2015

Jasbir Singh and others ... Petitioners

Versus

Pepsu Road Transport Corporation ... Respondent

Date of Decision: 28.04.2016

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

Present: Mr. Vikas Chatrath, Advocate,
for the petitioner(s).

Mr. Aman Sharma, Advocate,
for respondent No.2 in CWP No.22866 of 2015.

Mr. Karan Singla, Advocate,
for the respondent in CWP Nos.15974, 16075 and 19405 of
2015.
for respondent No.2 in CWP Nos.13405 and 15324 of 2015.

Mr. Harsh Chopra, Advocate,
for respondent No.2 in CWP No.22384 of 2015.

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

RAJIV NARAIN RAINA, J.

This order will dispose of CWP No.13405 of 2015 titled *Ashok*

CWP No.13405 of 2015 (O&M)
CWP No.15324 of 2015
CWP No.15974 of 2015
CWP No.16075 of 2015
CWP No.22384 of 2015
CWP No.22866 of 2015
CWP No.19405 of 2015

-3-

Kumar and others v. State of Punjab and another, CWP No.15324 of 2015 titled *Ashok Kumar v. State of Punjab and another*, CWP No.15974 of 2015 titled *Mam Chand v. Pepsu Road Transport Corporation*, CWP No.16075 of 2015 titled *Jagtar Singh v. Pepsu Road Transport Corporation*, CWP No.22384 of 2015 titled *Bachittar Singh and others v. State of Punjab and another*, CWP No.22866 of 2015 titled *Mewa Singh and others v. State of Punjab and another* & CWP No.19405 of 2015 titled *Jasbir Singh and others v. Pepsu Road Transport Corporation*.

Separate replies filed in CWP Nos.16075, 22866 and 19405 of 2015 are taken on record.

Interest is available in the writ jurisdiction with the pronouncement of the judgment by the Full Bench in A.S. Randhawa vs. State of Punjab and others, 1997(3) SCT 468.

It is not disputed that in some of these cases, the full amounts have been paid and the claim is restricted to interest while in some others, the ascertainable amounts have yet to be paid while some of them stand discharged by the State.

Learned counsel relies on a decision involving the respondent-Corporation itself in a matter of award of interest for delayed payments of retiral benefits in which interest at the rate of 9% has been awarded for illegally withholding retiral benefits without any justification. There is no

CWP No.13405 of 2015 (O&M)
CWP No.15324 of 2015
CWP No.15974 of 2015
CWP No.16075 of 2015
CWP No.22384 of 2015
CWP No.22866 of 2015
CWP No.19405 of 2015

-4-

doubt that these petitions have to be allowed against the respondent in view of the decision of this Court relied on by Mr. Vikas Chatrath rendered in Bhagwant Singh v. Pepsu Road Transport Corp. and others, 2015 (4) SCT 342 where the aforesaid 9% interest was awarded on delayed payments. The onus to explain delay is on the Corporation and they have been unable to discharge it to the satisfaction of the Court of the reasons which led to the delay and consequently directions to pay interest for the period of delay has become a valuable an accrued right.

Accordingly, these petitions are allowed and the respondents are directed to pay interest @9% in CWPs 13405, 15324 and 15974 of 2015 while the respondents would calculate the delay in the remaining cases and award 9% interest on the period of delay on the amounts released and on the amounts yet to be released as they are still withheld. However, the interest would run with effect from three months after the date of superannuation in each of the cases till payment. The order be complied with within three months from the date of receipt of certified copy of this order.

28.04.2016
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(RAJIV NARAIN RAINA)
JUDGE