

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No.15093 of 2015

Date of decision: February 23, 2016

Union of India and others

..... Petitioners

Versus

Krishan Kumar and others

..... Respondents

**CORAM: HON'BLE MR. JUSTICE M. JEYAPPAUL
HON'BLE MR. JUSTICE RAJ MOHAN SINGH**

Present: Mr. D.R. Sharma, Advocate
for the petitioners.

Mr. Dhiraj Chawla, Advocate
for respondent No.1.

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?

M. JEYAPPAUL, J. (ORAL)

Heard the submissions made on either side.

The fact remains that the 1st respondent Krishan Kumar has been reinstated in service by the writ petitioners as per the order passed by it on 17.10.2012 (Annexure A-1).

The 1st respondent sought for arrears of salary for the period he was away from duty with interest thereon. The Tribunal was pleased to direct the writ petitioner to pay the arrears of salary for the period he was away on duty with interest @ 10% per annum thereon.

The learned counsel appearing for the writ petitioners submitted that the 1st respondent had not in fact joined duty pursuant to the order

passed under Annexure A-1 as he had secured an employment and joined service in the State of Haryana in the year 2013.

It is vehemently submitted by learned counsel for the writ petitioners that the Tribunal has not assigned any reason for awarding 10% interest on the arrears of salary. Inasmuch as the entire arrears of salary even for the period the 1st respondent had not put in service with the writ petitioner had been already paid, the question of payment of interest @ 10% from out of the State Exchequer does not arise.

Learned counsel appearing for the 1st respondent contended that the question of applying the principle of 'no work no pay' does not apply in a case where an employee who was ready to put in service with the employer was denied of the same. It is his further submission that inasmuch as the 1st respondent suffered financially for about three long years without any job, he is entitled to interest on the arrears of salary as well.

Nothing has been pleaded by the 1st respondent that he had to borrow money for the purpose of meeting the family expenses during the period he was away from duty on account of termination of service during his probation period. The financial problem he faced during such a period had not been highlighted in the original application filed by him. It is true that the principle of 'no work no pay' will not apply to such a circumstance. That is the reason why the Tribunal has rightly ordered that the arrears of salary shall be released even for the period the 1st respondent was away from duty. But, in our considered view, when the 1st respondent has not come out with cogent reason for claiming interest on the arrears of salary, the question of doling out the public money in the shape of interest for the arrears of salary does not arise. Further, it is brought to our notice that the 1st

respondent has not joined duty after the writ petitioner has passed the order reinstating him in service. In other words, the 1st respondent has now got service and joined duty in the State of Haryana. He has not started rendering the service to the writ petitioners after the order passed in his favour reinstating in service and in such circumstances, we are disinclined to grant interest on the arrears of salary which was already released as per the directions issued by us on the date when we passed an order issuing notice of motion.

Declining the unjustifiable claim for interest on the arrears of salary, the order passed by the Tribunal in other respects is affirmed and the writ petition is disposed of accordingly.

(M. JEYAPPAUL)
JUDGE

(RAJ MOHAN SINGH)
JUDGE

February 23, 2016
Dinesh Bansal