

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CWP No.19517 of 2015

Date of Decision: 19.12.2016

Pritam Singh

. . . Petitioner

Versus

State of Haryana and others

. . . Respondent

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present: Mr. S.P. Chahar, Advocate
for the petitioner.

Mr. Ravi Partap, AAG, Haryana.

Kuldip Singh, J. (Oral)

This Court while deciding the CWP No.3157 of 1990, on 03.05.2011, after hearing the learned counsel for the parties passed the following order:-

“For the aforesaid reasons, this writ petition is allowed. The petitioners are held entitled to Last Pay Drawn. They are also held entitled to the arrears of revision of pay scale with effect from 01.04.1979 or from the date when they entered into the service of the Corporation. The Corporation will be liable to pay arrears of pay to the petitioners till 31.3.1985 and respondent No.3 will pay them the arrears with effect from 1.4.1985. The Corporation will fix the pay of the petitioners on the basis of revision of pay scale upto 31.3.1985. Then, on the basis of last pay drawn by the

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petitioners with the Corporation upto 31.3.1985, fixed including the benefits occurring to the petitioners on account of revision of pay by the Corporation, respondent No.3 will fix on 1.4.1985 the pay of the petitioners on the basis of Last Pay Drawn by the petitioners on 31.3.1985 with the Corporation. All orders passed by the authorities to the contrary are set aside. The petitioners will be granted the aforesaid benefits by the respondents within a period of two months from the date of receipt of a copy of this judgment.“

Respondent Nos.2 and 3, who were to do the needful were Haryana State Small Industries and Export Corporation Limited and District Rural Development Agency, who are respondent Nos.2 and 3 in the present case.

Respondent Nos.2 and 3 did not challenge that order rather State of Haryana filed LPA the before Division Bench of this Court, which was dismissed on 29.11.2012 holding that they have no grievance for redressal of which the appeal was filed.

It also comes out that the revised pay of the petitioner was released vide order endorsed on 24.07.2013 (Annexure P-3) and the arrears of pay were paid later on in four installments. Now, the claim of the petitioner is for payment of the interest on the payment.

After hearing the learned counsel for the parties, I find no force in the plea of the respondents that due to the pendency of LPA needful was not done. They cannot claim so as no stay order was passed in the LPA by Division Bench of this Court. Therefore, order dated 29.11.2012 (Annexure P-2) passed by Single Bench of this Court was required to be complied with. Since the payment was not released to the

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petitioner, the respondents are directed to pay interest at the rate of 9% per annum starting two months from July 2011 till entire payment is made.

[KULDIP SINGH]
JUDGE

19.12.2016
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Whether Speaking/reasoned : Yes/No
Whether Reportable : Yes/No