

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-26137-2014 (O&M)
Date of decision: 30.11.2016

Kuldeep Singh

.....Petitioner

versus

Uttar Haryana Bijli Vitran Nigam Limited and others

.....Respondents

CORAM: Hon'ble Mr.Justice Kuldip Singh

Present: Mr.Naveen Daryal, Advocate for the petitioner
Mr.Gaurav Jindal, Advocate for the respondent No.1 to 5

- 1. Whether Reporters of Local Newspapers 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?*

Kuldip Singh, J. (Oral)

In pursuance to the last order, the petitioner visited the office of the respondents. Letter has been filed duly signed by the petitioner which shows that he is satisfied about the interest, except the following amount:-

“1. Commutation	503159/-
2. On account of arrear of 6 th pay commission	37310/-
3. On account of 2 nd installment of arrear of pension	124014/-

So far as commutation of pension is concerned, the petitioner had retired from service on 31.7.2007 and the commuted value of the pension was supposed to be released within a reasonable time. No departmental inquiry or proceedings were pending. Hence, on the amount of

Rs.5,03,159/-. also, the petitioner is entitled to interest @ 9% per annum starting three months from the date of retirement till the date of payment.

Regarding arrears of 6th Pay Commission amounting to Rs.37,310/-, the affidavit dated 7.9.2016 was filed wherein it was stated that the instructions of the government regarding 6h Pay Commission were adopted on 27.2.2009 and that the cheque of the said amount was sent to the petitioner on 31.7.2009 within five months the date of notification. However, it was never received back undelivered. Thereafter, the petitioner made a request on 26.3.2011 through RTI application for payment of the said amount and on verification, the said cheque was not found to be encashed, fresh cheque bearing No.166418 was issued on 23.8.2012.

Now, a question would arise whether the respondents are not liable to pay interest on the said amount or not?

I am of the view that once the cheque was issued, the respondents should have checked up whether the said cheque has been encashed or not. The petitioner cannot be held responsible for the loss of the cheque. Therefore, the petitioner is entitled to interest @ 9% per annum on the said amount, starting from 31.7.2007 when the first cheque was dispatched and never received by the petitioner.

So far as arrears of Rs.1,24,014/- on account of 2nd instalment of arrears of pension are concerned, letter Annexure R1 shows that this is the amount of 100% provisional pension for the period from 1.8.2007 to 31.12.2009. These are not the arrears of pension on account of recommendation of 6th Pay Commission report as is sought to be pressed on account of letter Annexure R6. Hence, the petitioner shall also be entitled interest @ 9% on the amount of Rs.124014/- starting three months from the

date of retirement till the date of payment.

The petition stands allowed accordingly.

30.11.2016
gk

(Kuldip Singh)
Judge

Whether speaking/ reasoned:
Whether Reportable:

Yes
No