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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No. 16924 of 2011 (O/M)

Date of decision : 16.2.2017

Mohinder Chaudhary

..... Petitioner

Versus

DPI (Colleges), Punjab, Sector-17, Chandigarh, and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Ms. Jyoti Sareen, Advocate, for the petitioner.

Mr. Surinder Paul, Deputy Director (Colleges), Punjab, in
person with Mr. R.S. Pathania, Deputy A.G. Punjab.

Mr. Sameer Sachdeva, Advocate, for respondent No. 2.

1. Whether the Reporters of local newspaper may be allowed to see the judgment ?
2. To be referred to the Reporter or not.
3. Whether the judgment should be reported in the digest ?

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KULDIP SINGH J. (ORAL)

The petitioner has challenged the order dated 30.3.2010 (Annexure-P-13), passed by the Educational Tribunal, Punjab, Chandigarh, and claims that he is entitled to relief of House Rent Allowance (HRA), leave encashment and statutory interest, which have been wrongly declined by the Educational Tribunal, Punjab, Chandigarh.

The learned counsel for the petitioner has stated that during pendency of the present writ petition, the payment of leave encashment has been released. The HRA, which was recovered from the petitioner has also been refunded to the petitioner.

Now, the only question surviving for consideration is the payment of balance HRA with effect from 1.9.1997 to 1.8.1999 and from 13.9.2004 to 31.1.2008 and that out of the HRA, the relief of Rs. 8,302/- is

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still payable. The petitioner also claims interest on the delayed payments of retiral benefits.

So far as the payment of retiral benefits is concerned, the retiral benefits are to be released within three months from the date of retirement and in case, on account of revision of pay or subsequent notification, if some more payment is to be paid, the same is required to be released within three months from the date of receipt of the said notification. Therefore, the petitioner is entitled to interest on the delayed payment of retiral benefits, starting three months from the date of retirement till the date of payment and in case, the arrears on account of revision of pay or gratuity, three months' period will start from the date of issuance of notification.

Coming to the HRA, it comes out that under the grant-in-aid scheme, the approved item of expenditure includes the pay and allowances. HRA is thus one of the allowances. As per the letter of the Government dated 19.1.1984, the HRA is payable to the teaching and non teaching employees working in the affiliated private colleges in the State of Punjab against the frozen strength as on 1.11.1977 at 50% of the existing rate as admissible to the Punjab Government employees at their place of posting with effect from 1.1.1984 and at full rate from 1.9.1984. Consequently, the HRA is also payable to the petitioner. Accordingly, the balance of HRA deducted from the payment of the petitioner i.e. Rs. 8,302/- be paid to the petitioner. The balance HRA, which is payable, after calculation be also paid to the petitioner. Needless to say that 9% per annum interest on the delayed payment of HRA shall also be payable. So far as the interest part is concerned, if earlier there was refusal on the part of the Government to pay

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the HRA, the interest shall also be ultimately reimbursed by the Government. The compliance of the order be made within three months from the date of receipt of certified copy of this order, including the reimbursement.

In view of the above, the present writ petition is allowed.

(KULDIP SINGH)
JUDGE

16.2.2017
sjks

Whether speaking / reasoned : Yes

Whether Reportable : No