

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

Sr. No.: 256

Civil Writ Petition No. 639 of 2016 (O&M)

Date of Decision: *December 05, 2017*

Ajit Kumar & others

..... PETITIONERS

VERSUS

Managing Director, Food Corporation of India & others

..... RESPONDENTS

. . .

CORAM: **HON'BLE MR. JUSTICE JASPAL SINGH**

. . .

PRESENT: - Mr. K.S. Rekhi, Advocate,
for the petitioners.

Ms. Akanksha, AAG, Punjab,

. . .

Jaspal Singh, J

1. By virtue of this civil writ petition, preferred under Articles 226/227 of the Constitution of India, petitioners have sought issuance of a writ in the nature of certiorari for quashing the impugned order dated October 30, 2014 (P-3), whereby the claim of the petitioner of OTA was refused by the respondent-department with further prayer for issuance of a writ in the nature of mandamus directing the respondent to pay all the arrears of OTA along-with interest @12% per annum.

2. At the very outset of arguments, learned counsel for the petitioner has submitted that though the pending OTA has been paid to the petitioners but the same has been paid after a long delay.

3. As regards grant of interest on delayed payment of OTA, learned counsel for the petitioner has further submitted that interest on the delayed payment of OTA has not been awarded, to which the petitioner is legally entitled. A writ in the nature of mandamus is legally maintainable for giving a direction to make the payment where it is justified in view of judgment delivered in *A.S. Randhawa vs. State of Punjab & others, 1997(3) SCT 468* as well as *Vijay L. Mehrotra vs. State of U.P., 2000(4) SCT 267*.

4. No doubt during the pendency of instant writ petition the pending OTA has been paid to the petitioners in the Month of September 2017 after a considerable delay. However, no interest has been paid on the delayed payment of OTA. There is no reason what to talk of any plausible reason or justification for delayed disbursement of OTA.

5. Undoubtedly, petitioners stood retired in the year 2014, 2013 and 2009 respectively and payment of OTA which were due to them during their posting at Ambala, was pending and the same were disbursed to them much after the submission of bills. At the most, the respondents could have taken a period of three months from the date of payment due but it has not been done in the instant case. Taking into consideration the facts & circumstances of the case in hand, this Court is of the view that grant of interest @ 9 % per annum, is legally and factually justified. Accordingly, this Court awards an interest @ 9% per annum on the delayed payments of OTA after the expiry of three months from the date of submission of OTA

calculating the same within a period of three months from the date of receipt of certified copy of this judgment.

8. Disposed of.

DECEMBER 05, 2017

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(Jaspal Singh)
Judge

Whether Speaking/ Reasoned:
Whether Reportable:

Yes/ No
Yes/ No