Review Application No.174 of 2016 in
CWP No.26647 of 2015

Mulkh Raj vs. State of Punjab and others

Present: Mr. S.K.Rattan, Advocate
for the applicant-petitioner.

Mr. Rahul Verma, AAG, Punjab.

****

The order dated 05.05.2016 was passed by this Court disposing of the writ petition. It was passed on a statement made by learned counsel for the third respondent that the claim had been satisfied and the amount due had been discharged by the first respondent-State of Punjab being the principal debtor. Since no one appeared for the petitioner there was none to admit or deny the statement. I accepted the statement and closed the case.

Against the said order, the petitioner has approached by way of this review application in which he claims interest on delayed payment of pensionary benefits by citing the law laid down in ***A.J.Randhawa versus State of Punjab 1998 (1) SCT 343***. The principal amounts admittedly have been received by the petitioner before filing the petition claiming interest on delayed payments.

The applicant-petitioner retired in April, 2009. There was nothing adverse on his record on the date of his retirement to justify retention of money due. The applicant-petitioner had submitted his pension papers on time for the pending CPF amount which totalled to a sum of ` 1,40,410/- (Employee's share) which was paid belatedly on 05.05.2016. Accordingly, the applicant-petitioner has claimed interest on the said amount from 30.04.2009 to 05.05.2016 in the review application on the ground that he was not heard at final disposal of the case and to that extent he is right.

These facts were not in cognizance when the order dated 05.05.2016 was passed since it was passed in the absence of the applicant-petitioner and his counsel.

The review application was filed on 26.05.2016 and notice on the said application was issued on 13.07.2016. The State counsel accepted notice and prayed for time to file reply to the said application.

The State has not filed any reply so far and the narration of facts in the application are accepted as true and correct on the principle of non-traverse. Since money was legally due and illegally withheld for the period without any sufficient cause or legal justification, the applicant would possess the right to interest on delayed payments and the rule in ***A.J.Randhawa's case*** would accordingly apply.

As a result, the review application is allowed. The non-applicant State is directed to pay interest on the delayed payment @ 9% per annum for the aforesaid period till realization. The amount be calculated and paid within two months from today.

(RAJIV NARAIN RAINA)
JUDGE

22nd March, 2017
mamta