

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

**C.O.C.P. No. 2226 of 2017 (O&M)
Date of Decision: 09.07.2018**

Som Nath

..... Petitioner

Versus

Sh. Shatrujeet Singh, Managing Director, Uttar
Haryana Bijli Vitran Nigam Limited, Panchkula and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: None for the petitioner.

Mr. Prateek Mahajan, Advocate
for the respondents.

JASWANT SINGH, J. (ORAL)

Petitioner (Som Nath) had filed a writ petition bearing CWP No. 20415 of 2013 seeking quashing letter dated 22.04.2013 whereby the respondent-Department refixed the pay of the petitioner by withdrawing the ACP Scale previously sanctioned, as also quashing of letter dated 04.07.2013 to the extent of recovery of Rs. 3,82,763/- from his retiral benefits.

The aforesaid writ petition was partly allowed by this Court vide order dated 17.03.2016 (**Annexure P-1**), the operative part of the same is as under:-

“ Petitioner retired on 31.08.2012 and his withheld amount of Rs.3,82,763/- were refunded to him, vide cheque dated 04.09.2014 (R3/2).

After going through the above mentioned judgments, the ACP scales had been rightly given to the petitioner by taking in to consideration his appointment to the post of Peon. After being appointed as LDC on 03.07.1985, he has not earned any promotion for 10 years when he was

granted 1 st ACP and thereafter 2 nd ACP on completion of 10 and 20 years of service.

*Applying the ratio of **Ramesh Dahiya's case (supra)**, the petition is partly allowed and the respondents are directed to give 9% interest on delayed payment given to the petitioner mentioned above w.e.f 01.12.2012 to 04.09.2014 i.e the date when the payment is made, in view of judgment of Hon'ble the Supreme Court in cases of D.D. Tewari (D) through LRs vs. Uttar Haryana Bijli Vitran Nigam Ltd. and others, 2014 AIR (SC) 2861 and Megh Varan Sharma vs. State of U.P and others, 2015 (1) S.C.T (12) wherein payment of retiral benefit was delayed by the respondent-department and it has been held that the petitioner was entitled to interest @ 9% per annum from the date of entitlement till the date of actual payment. ”*

Upon notice, reply stands filed, wherein it is stated that in compliance of the order dated 17.03.2016 (**P-1**), the due benefits of ACP Scale has been granted to the petitioner and an amount of Rs. 2,50,925/- on account of arrears of pensionary benefits due to re-fixation and interest on delayed payment has been paid to the petitioner.

In view of above, counsel for the respondents states that since the order in question has been complied with, no further action is warranted in the present contempt petition, as the same has become infructuous.

Dismissed as infructuous.

Rule stands discharged.

July 09, 2018
'dk kamra'

(JASWANT SINGH)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No