

**IN THE HIGH COURT OF PUNJAB AND HARAYANA AT CHANDIGARH
103**

Date of decision:15.11.2018

COCP-2611-2015

**S.L. BAWA DAV COLLEGE BATALA
V/S**

...PETITIONER

A. VENU PARSAD AND ANR

...RESPONDENTS

WITH COCP-2824-2015

**KRM DAV COLLEGE NAKODAR
V/S**

...PETITIONER

A. VENU PARSAD AND ANR.

...RESPONDENTS

WITH COCP-2825-2015

**BBK DAV COLLEGE FOR WOMEN AMRITSAR
V/S**

...PETITIONER

A. VENU PARSAD AND ANR.

...RESPONDENTS

WITH COCP-2826-2015

**DAV COLLEGE AMRITSAR
V/S**

...PETITIONER

A.VENU PARSAD AND ANR.

...RESPONDENTS

WITH COCP-2895-2015

**DAV COLLEGE JALANDHAR
V/S**

...PETITIONER

A.VENU PARSAD AND ANR

...RESPONDENTS

WITH COCP-2924-2015

DAV COLLEGE BATHINDA V/S A.VENU PARSAD AND ANR

WITH COCP-2925-2015

HANS RAJ MAHILA MAHA VIDYALAYA JALANDHAR

...PETITIONER

V/S

A.VENU PARSAD AND ANR.

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

**Present: Mr. Rajdeep Singh Cheema, Advocate,
for the petitioner(s).**

**Mr. Aditya Sharda, AAG, Punjab,
for the State.**

AUGUSTINE GEORGE MASIH, J. (ORAL)

It is an admitted position that the arrears of revision of pay of the employees of the private colleges working on the aided posts have been paid by the State of Punjab as reimbursement of the claim made by the Management of the Colleges. The question, which is left to be determined, is with regard to the liability to pay interest on the delayed payment.

On 11.10.2018, following order was passed:-

“ Counsel for the respondents states that the period after which the claim with regard to the interest was submitted by the petitioner(s) and after the disbursal of the said amount, interest has also been paid to the petitioner(s). Further, delay on the part of the petitioner-Managements in claiming interest on delayed payment, the same cannot be recovered from the respondent-State.

The reasoning appears to be quite justified, however, in the light of the fact that the counsel for the petitioner(s) is stated to have gone out of country.

Hearing of the case is deferred to **15.11.2018**.

To be shown in the urgent list.

Copy of this order be placed on the files of connected cases.”

Today, a short affidavit of the Deputy Director, O/o Director Public Instructions (Colleges) Punjab dated 15.11.2018 has been filed in Court pointing out therein the date on which the claim was submitted in the present case i.e. COCP No. 2611 of 2015, according to which, on submission of the claim, the case was considered and there has been a delay

of 24 days on the part of the State, for which interest @ ₹7279/- has been paid to the petitioner. Similar is the position with regard to the other petitioners and for the period there has been delay on the part of the State after submission of the claims, the interest has been paid.

Learned counsel for the petitioner(s) has referred to a Division Bench judgment of this Court in LPA No. 920 of 2012 dated 01.10.2012 (Annexure A-2) especially with regard to the directions, which have been issued by the Court, and the modalities and the procedure for payment qua arrears of salary. A perusal of the same would firstly indicate that there is nothing mentioned with regard to the interest on delayed payment. However, keeping in view the Grant-in-Aid Scheme, which clearly provides and has been so held in another Division Bench judgment of this Court passed in CWP No. 3583 of 2007 titled as K.C.Sharma vs. State of Punjab, decided on 17.12.2010, which has also been taken into consideration by the Division Bench in its order dated 01.10.2012 (Annexure A-2), the primary obligation is of the Management to make the payment to their teachers and staff and the State Government is supposed to reimburse the same. Any delay on the part of the Management in making payment to the teachers and the staff, as per their entitlement, cannot be held to be the delay on the part of the State, which has only to reimburse once the claims have been submitted for payment to the teachers and the staff, who are working against the aided posts under the Grant-in-Aid Scheme. Interest, if any, which has accrued because of delay in payment of salary and other benefits under the Grant-in-Aid Scheme, primarily, has to be borne by the Management till the claims are submitted to the Government. It is thereafter, if there is any delay on the part of the Government that the interest liability would fall

upon the Government.

In the present case, it is an admitted position that the interest on the delayed payment on the part of the Government has been reimbursed and paid to the petitioner(s) Management.

If that be so, the claim of the Management that the interest has to be paid by the Government for the delayed payment to the teachers and the staff from the date it accrued till the date of payment cannot be accepted. The State can only be held liable for the delay which may have occurred when the claim has been submitted and had been kept pending by them.

In the considered view of this Court, the order passed by this Court, contempt of which is alleged, stands fully complied with.

In view of the above, no further action is called for.

The contempt petitions, therefore, stand disposed of as having been rendered infructuous.

Rule issued to the respondents stands discharged.

November 15, 2018
pj

(AUGUSTINE GEORGE MASIH)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No