

**206 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CWP No.14437 of 2010.

Date of Decision: 02.05.2018.

Kewal Kumari

... Petitioner

Versus

State of Punjab and others

... Respondents

CORAM : Hon'ble Mr. Justice Jitendra Chauhan

Present : Mr. R.S. Bajaj, Advocate,
for the petitioner.

Ms. Sudeepti Sharma, Addl. AG, Punjab.

Mr. Kannan Malik, Advocate,
for respondent Nos. 3 & 4.

JITENDRA CHAUHAN.J.

By filing this civil writ petition under Article 226 and 227 of the Constitution of India, the petitioner seeks issuance of a writ in the nature of mandamus for directing the respondents to pay interest @ 18 % per annum on the arrears of salary from the due date till the same has been actually paid in terms of order dated 03.12.1997 (Annexure P-1) passed by State College Tribunal, Punjab.

It is contended that the petitioner was appointed as Assistant Librarian in Guru Nanak Khalsa College, Sultanpur Lodhi on 19.07.1977. Thereafter, she was appointed as Librarian on 07.01.1985 in the pay scale of Rs.700-1600. However, the said pay scale was not released to her, therefore, she had to file a civil suit which was decreed

on 17.11.1997. Thereafter, on account of party faction and malafide, the petitioner was charge-sheeted and she was removed from service on 19.05.1994. The petitioner preferred an appeal before the College Tribunal Punjab. On 03.12.1997, the appeal was allowed and the order of removal was set aside. The petitioner was reinstated with full arrears of salary, increments, revision of pay, if any. The respondents were directed to make payment of the arrears within 30 days from the date of passing of the said order with simple interest @ 12% per annum. After the expiry of 30 days, in case of non-payment, the interest was ordered to be paid @ 18 % per annum. In this backdrop, it is contended that though, the payment has been made, however, the interest accrued on the arrears has not been released to the petitioner so far.

The stand of respondent Nos. 3 and 4 i.e. Guru Nanak College is that the entire outstanding amount of Rs.3,09,394.88/- with interest of Rs.60,669.08/- has already been paid. The details of payment is given at Annexure R-3/1. It is contended by the learned counsel for respondent Nos. 3 & 4 that the present petition is not maintainable.

It has been pleaded by respondent No.2 that there is no intentional or willful delay in making the payment to the petitioner. The college management has already paid interest of Rs.2,65,147/- and nothing is due towards the petitioner.

Heard.

It is to be noticed that the arrears of amount as ordered by State College Tribunal, Punjab vide order Annexure P-1 have already been released to the petitioner. The petitioner seeks grant of interest on the delayed payment. This Court is of the opinion that once an order has been passed by the Tribunal enjoining upon the respondents to make payment along with interest, the present petition is not maintainable as the order Annexure P-1 is capable of execution. Consequently present petition is dismissed being not maintainable. However, the petitioner is at liberty to get the order Annexure P-1 executed by resorting to appropriate proceedings.

02.05.2018.
SN

(JITENDRA CHAUHAN)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No