

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

Sr. No.210

Civil Writ Petition No.11600 of 2014
DECIDED ON: January 19, 2018

GURCHARAN KUAR

..PETITIONER

VERSUS

STATE OF PUNJAB AND OTHERS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. P.S. Khurana, Advocate,
for the petitioner.

Mr. T.P.S. Chawla, Deputy Advocate General, Punjab.

JASPAL SINGH, J. (ORAL)

By virtue of the instant civil writ petition, preferred under Articles 226/227 of the Constitution of India, petitioner has sought the issuance of a writ in the nature of certiorari directing the respondents to release the amount of Rs.1,38,542/- which has been recovered from the gratuity of the petitioner along with interest @ 12% per annum.

2. Undisputably, the case of the petitioner is that Rs.1,38,542/- was recovered from the amount of DCRG payable to the petitioner on account of his retirement. But subsequently, when the case of the petitioner was reconsidered in the light of the Instructions FD No.4/118/09-IFPPC/575043/1 dated August 28, 2015 issued by the Government of Punjab regarding dealing of recovery matters of employees/retirees, the aforesaid amount was refunded to the petitioner vide cheque Nos.003959,

Civil Writ Petition No.11600 of 2014

002958 and 002323 dated March 22, 2017 of bank branch The Ludhiana Central Cooperative Bank Limited. Meaning thereby that respondents deducted the amount of Rs.1,38,542/- wrongly and utilized the same for the period till it was refunded/repaid to the petitioner. Since the petitioner was deprived of the fruits of the aforesaid amount of Rs.1,38,542/- on account of deduction, it can be said that he is suffered some damages and for that purpose, he is to be compensated.

3. This Court is of the considered opinion that it would be just and proper to compensate him by way of grant of interest @ 9 per annum from the date of amount was deducted from the amount of the DCRG payable to the petitioner till it was re-deposited/refunded i.e. on March 22, 2017. The order is made accordingly.

4. Respondents are directed to calculate and make the payment of interest @ 9% per annum to the petitioner within a period of two months from the date of receipt of a certified copy of this order. In case of non compliance of the aforesaid direction, petitioner shall be at liberty to approach this Court.

5. Disposed of.

January 19, 2018

Ankur

**(JASPAL SINGH)
JUDGE**

**Whether speaking/reasoned
Whether reportable**

**Yes
Yes/No**