

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No. 11979 of 2016
Date of Decision : 04.12.2018

Om Parkash Goyal

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Naresh Gopal Sharma, Advocate for the petitioner.

Mr. Sandeep Vermani, Additional Advocate General, Punjab.

Harsimran Singh Sethi, J.(Oral)

In the present case, the petitioner has approached this Court seeking direction for release of the pensionary benefits.

As per the averments made in the present writ petition, the petitioner retired from the post of Deputy Director from the office of Health and Family Welfare Department on 30.11.2001. Contention of the petitioner is that before his retirement in the year 2001, a criminal case bearing FIR No. 49 of 2000 was registered against him and ultimately, he was acquitted of all the allegations levelled in the said FIR and therefore, after the acquittal, the petitioner was entitled for release of 100% pension as well as the retiral benefits, which were being withheld due to the pendency of the aforesaid FIR.

Notice of motion was issued upon which the respondents appeared and have filed their reply stating that all the pensionary benefits for which the petitioner was entitled for, have been released. The delay has been admitted by the respondents in para 5 of the reply, which reads as

under:-

“5. That there has been some delay in considering the matter and passing an order. This delay is not willful or intentional in any manner but the same is just procedural.”

Once the respondents have admitted the delay in releasing the pensionary benefits to the petitioner, as per the law laid down by this Court in the case of ***J.S. Cheema Vs. State of Haryana and others***, 2014(13) RCR (Civil) 355, the petitioner will become entitled for the interest also.

The relevant paragraph of the judgment reads as under :-

“The jurisprudential basis for grant of interest is the fact that one person's money has been used by somebody else. It is in that sense rent for the usage of money. If the user is compounded by any negligence on the part of the person with whom the money is lying it may result in higher rate because then it can also include the component of damages (in the form of interest). In the circumstances, even if there is no negligence on the part of the State it cannot be denied that money which rightly belonged to the petitioner was in the custody of the State and was being used by it.”

In view of the above, the present writ petition is allowed. The respondents are directed to calculate the interest @ 6% per annum from the date when the petitioner was acquitted of all the charges till the payment of the same. Let the calculation be done within a period of three months from the date of receipt of certified copy of this order and the payment of the calculation so done, shall be released to the petitioner within a period of next one month.

December 04, 2018
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned? *Yes/No*
Whether reportable? *Yes/No*