

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

(202)

CWP-16975-2013

Date of Decision: December 14, 2018

Sat Paul

..Petitioner

Versus

Food Corporation of India and others

..Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Raj Paul Kansal, Advocate, for the petitioner.

Mr. Ish Puneet Singh, Advocate, for the respondents.

HARSIMRAN SINGH SETHI, J.(ORAL)

The present writ petition has been filed by the petitioner seeking the interest on the delayed payment.

As per the averments made in the present writ petition, the petitioner retired as Manager from the respondent-Corporation on 30.09.2009. Despite the fact that the petitioner was entitled for the release of all the benefits such as arrears of pay etc., the respondents did not release the same. Rather, till the date of retirement, the respondent did not refix his salary in view of the revision of the pay scale and failed to grant the petitioner the pensionary benefits on revised pay scale.

The details of the payment made to the petitioner have been given in paragraph 4 of the writ petition. As per paragraph 4, the payment of Rs.3,72,605/- was made on 19.05.2012. Further, the payment on account of arrears amounting to Rs.4713/- was made on 30.05.2012, arrears of gratuity amounting to Rs.2,80,494/- was made on 30.06.2012 and some other payments for which the petitioner was entitled for, were made on 16.07.2012 and 21.08.2012 amounting to Rs.30,873/- and Rs.14,717/-

respectively. In all, a sum of Rs.7,02,902/- was given to the petitioner only in May/June, 2012 whereas, the petitioner was entitled for the said amount immediately on his retirement on 30.09.2009 or within a reasonable time thereafter.

In the reply, the respondents has stated that the amount which was paid to the petitioner in May/June, 2012 was on account of the revision of his pay. His pay was revised in the year 2012 and whatever the arrears, the petitioner was entitled for, the same were released. It has not been disputed by counsel for the respondents that this revision of pay, which was actually done in the year 2012, the petitioner was entitled for when he was in service. It was the respondents who did not carry out the revision of pay scale in respect of the petitioner and granted him the pensionary benefits on unrevised pay.

It is the respondents, who delayed the revision of the pay scale, in case of the petitioner and no justification has been given as to why, despite the fact that the petitioner retired on 30.09.2009, the pay was revised in the year 2012 approximately three years thereafter. Be that as it may, once the benefits have been released to the petitioner after the delay of two and half years, the petitioner will be entitled for the interest keeping in view the law laid down by this Court in **A.S. Randhawa Vs. State of Punjab, 1997 (3) S.C.T. 468** as well as in **J.S. Cheema Vs. State of Haryana and others, 2014 (1) S.C.T. 782**. The relevant paragraph of **J.S. Cheema's case (supra)** is 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.”

The present writ petition is allowed. The payments which have been made to the petitioner as detailed in paragraph 4 of the writ petition, mentioned above as well in this order, starting from May to August 2012, petitioner will be entitled for the interest @ 9% per annum from the date the amount became due till the amount was released in his favour.

Let the calculations be done within a period of three months of the amount for which the petitioner is entitled for on account of the interest and the same shall be released within a period of one month thereafter.

December 14, 2018
harsha

(HARSIMRAN SINGH SETHI)
JUDGE

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