

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No. 17201 of 2016

Date of Decision : 01.12.2018

Nirmal Singh

...Petitioner

Versus

State of Punjab and others

...Respondent

CORAM: *HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI*

Present: Mr. Vikas Bali, Advocate for the petitioner.

Ms. Anju Arora, Additional Advocate General, Punjab.

Harsimran Singh Sethi, J.(Oral)

In the present case, the petitioner has approached this Court for the grant of interest on the delayed payments.

The petitioner in the petition has averred that he was appointed as Junior Engineer in the Department of Irrigation Punjab on 03.04.1979. He was promoted as a Sub Divisional Officer on 26.09.2012. He continued working on the said post till he attaining the age of superannuation, retired on 30.09.2013. After the retirement, the petitioner started making representation for release of the retiral benefits but the same were not released immediately and the petitioner contends that there was an unexplained/unjustified delay in releasing the pensionary benefits.

Notice of motion was issued upon which the respondents appeared and filed a short affidavit controverting the claim of the petitioner.

In para 6 of the reply, the respondents have admitted that even though the petitioner retired on 30.09.2013 but the payments were made

starting from March, 2014 onwards and all the payments were made by 02.01.2015. In para 8, the delay has been explained by the respondents for which an apology has also been tendered in the reply. The relevant paragraphs 6 and 8 of the reply are as under :

Sr. No.	Letter No.	Description	Amount	Bill No. & Date	Cheque No.
1	8979-84/8RSDC, dt. 28.02.2014	Leave encashment	6,32,700/-	7401 dt. 27.03.2014	GDR04070814 0153003 dt. 07.08.2014
2	37918-21, dt. 09.12.2014	Revised Leave encashment	34,280/-	7386, dt. 02.01.2015	-
3	3462-64, dt. 06.06.2014	Pension	17,140/-	1700 dt. 15.05.2014	-
4	-	Final G.P. Fund	13,69,602/-	3956 dt. 23.10.2013	GDR04100314 005
5	-	DCRG	6,85,636/-	7400 dt. 27.03.2014	GDR04090714 0093001
6	451-53, FA & CAO dt. 12.09.2014	Balance DCRG	2,34,340/-	2762 dt. 26.04.2014	GDR04301214 013701 dt. 30.12.2014

“7. x

8. That there is delay which is regretted, deponent tenders apology for it. It is further humbly submitted that the answering respondents are filing short reply at this stage & craves for the indulgence of this Hon'ble Court for filing detailed reply, if so directed.”

In view of the above, it is clear that the delay in releasing the pensionary benefits has been admitted by the respondents themselves. It is a settled proposition of law settled by this Court in the case of **J.S. Cheema Vs. State of Haryana and others**, 2014(13) RCR (Civil) 355, wherein it has been held that wherever there is a delay, which is unexplained and not justified, the employee will be entitled for the interest on the said delayed payments. 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 laying 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 on the delayed payments @ 6% per annum from the date it became due till the same were disbursed. Let the calculation be done within a period of two 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 01, 2018
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(HARSIMRAN SINGH SETHI)
JUDGE

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