

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

(203)

CWP-21850-2014 (O&M)

Date of Decision: November 28, 2018

Dilbag Singh

..Petitioner

Versus

State of Punjab and others

..Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. S.K. Rattan, Advocate, for the petitioner.

Mr. Sandeep Vermani, Addl. A.G., Punjab.

Mr. Mahesh Dheer, Advocate, for respondent No.5 with
Mr. Ramakant Tandon, Branch Manager, SBI Dasyua.

HARSIMRAN SINGH SETHI, J.(ORAL)

The present petition has been filed for the release of revised pension with effect from 01.04.1995 till 31.01.2011 along with interest @ 12%.

As per the facts given in the writ petition, the petitioner retired as S.S Master from Govt. High School, Munak Kalan, District Hoshiarpur on 31.03.1995. After the retirement, the petitioner was granted pension.

Keeping in view the revision in the pay scale from an earlier date, the revised pension was also given to the petitioner in October, 2011.

Thereafter, vide Annexure P-4 dated 11.10.2011, the pension of the petitioner was further revised with effect from 01.04.1995 and the petitioner was entitled for the arrears of pension. It is an admitted case that arrears of the revised pension was only paid to the petitioner on 18.07.2018 i.e. approximately after the period of seven years.

Learned counsel for the petitioner states that as there is a delay of approximately seven years in paying the arrears, hence as per the law laid down by this Court in **J.S. Cheema Vs. State of Haryana and others, 2014**

(13) R.C.R. (Civil) 355, the petitioner is entitled for the interest on the delayed payments. Relevant paragraph is reproduced 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.”

Learned counsel for the State on the basis of an affidavit filed by the District Treasury Officer dated 24.08.2017 states that the District Treasury Officer sent the revised pension case to State Bank of India, Main Branch, Hoshiarpur on 19.03.2012 and the amount was to be released by the Bank and delay is attributable to the Bank only.

Learned counsel for respondent No.5-Bank disputes the same and submits that all the necessary documents as required for the release of the arrears to the petitioner, were not sent by the Treasury Officer and therefore there was delay in releasing the arrears to the petitioner.

It cannot be assumed that the documents were not complete for a period of seven years. Be that as it may, dispute is between the Bank and the State, for which the petitioner cannot be blamed or faulted in any manner. Once the petitioner was entitled for arrears of pension in view of the order Annexure P-4 dated 11.10.2011, the arrears should have been paid immediately or within reasonable time. A period of seven years cannot be

said to be a reasonable time and hence as per law laid down by this Court in J.S. Cheema's case (supra), on the delayed payments of the pensionary benefits, the petitioner is entitled for the interest. Therefore, respondent No.5 is directed to compute the interest @ 9% on the payment made to the petitioner on account of revision of pay in pursuance to the order dated 11.10.2011 within a period of three months from today and release the calculated amount to the petitioner within a period of fifteen days thereafter.

Keeping in view the dispute between the Bank and State, both of them will be at liberty to decide their dispute at their own level as to who was at fault and who is liable to bear the burden of interest.

The writ petition is allowed, in view of the above terms.

November 28, 2018
harsha

(HARSIMRAN SINGH SETHI)
JUDGE

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