

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

**CWP No. 26008 of 2014
DECIDED ON: MAY 10, 2018**

SURINDER KUMARI

.....PETITIONER

VERSUS

STATE OF PUNJAB & OTHERS

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. R.K. Arora, Advocate for the petitioner.

Ms. Deepali Puri, Addl. AG, Punjab.

Mr. Umesh Kumar Kanwar, Advocate for respondents No.3 and 4.

JASPAL SINGH, J (ORAL)

By virtue of instant petition preferred under Articles 226/227 of the Constitution of India, petitioner has sought a writ in the nature of mandamus directing the respondents to release her the benefit of revised pay scales w.e.f. 01.02.2006 as per the notification dated 27.05.2009 (P-3), which was made applicable to the employees w.e.f. 01.01.2006 as well as interest @ 18% per annum on the delayed payments.

2. During the course of arguments it has emerged that revised pay scales w.e.f. 01.02.2006, in pursuance of afore-said notification dated 27.05.2009 (P-3) and arrears thereof, have already been released/disbursed to the petitioner on 24.08.2016 by the respondents. However, with an inordinate delay, for which, no interest has been paid.

Here it would be pertinent to mention that notification was issued on

27.05.2009, which was made operative w.e.f. 01.01.2006. However, petitioner stood retired on attaining the age of superannuation on 31.01.2006 and was entitled to the revised pay scales w.e.f. 01.02.2006 on the basis of afore-said notification dated 27.05.2009 (P-3). At the most, respondents could have taken a period of six months for the implementation of afore-said notification (P-3) but within that period nothing was done and the correspondence remained in between the respondents from one side or the other and the relief was only release to the petitioner on 24.08.2016. The delay in disbursement of the arrears and re-fixation of the pay in terms of notification dated 27.05.2009 (P-3) cannot be attributed to the petitioner. Rather, the lapse or omission in the alternative of the afore-said notification at the appropriate time lies with the respondents. Thus, petitioner deserves to be compensated for the reasons that he remained deprived of the proper use of the amount, to which he was legally entitled shortly after the promulgation of afore-said notification.

4. Accordingly, instant petition is disposed of with a direction to respondents to calculate the interest @ 9% per annum after the expiry of six months from the date of issuance of notification i.e. 27.05.2009, till actual payment i.e. 24.08.2016 and make the payment thereof, within a period of two months from the date of receipt of certified copy of this order. In case of non-compliance of afore-said directions, petitioner is at liberty to have recourse to other remedies available to her under law including to approach this Court.

MAY 10, 2018
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(JASPAL SINGH)
JUDGE

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