

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

CWP No. 384 of 2016

Date of Decision:-16.07.2018

Dr. Narinder Kaur

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM:- HON'BLE MR. JUSTICE JITENDRA CHAUHAN

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

Ms. Harsimrat Rai, DAG Punjab.

JITENDRA CHAUHAN J.(Oral)

Prayer in this petition filed under Article 226/227 of the Constitution of India is for issuance of a writ in the nature of mandamus directing the respondents to re-fix the pay of the petitioner in the revised pay scale in terms of notification issued by the Punjab Government on 27.5.2009 (Annexure P-2) and to release the arrears along with payment of interest and also to forward the revised Last Pay Certificate to her present employer i.e. Govt. Medical College & Hospital, Sector32, Chandigarh.

Upon notice, replies have been filed on behalf of respondents.

As per reply dated 21.5.2018, filed on behalf of respondent Nos.3 and 4 the arrears of 6th Pay Commission for the period from 1.1.2006

to 27.2.2006 has already been made and transferred in the name of the petitioner vide receipt dated 16.10.2017 (Annexure A-1) annexed with the reply. It is further averred in the reply that delay in release of the payment has occasioned due to transfer of the petitioner to Government Medical College, Patiala on 27.2.2006 and the service book was sent to Patiala. After receipt of the service book, the needful has already been done.

The explanation tendered by the State, cannot be accepted, since the petitioner remained in the Establishment of the respondents throughout and service book was also in the custody of the State,

Accordingly, the petitioner is entitled to interest on the delayed payment @ 6.5% per annum from the date till actual realization within three months from the receipt of certified copy of this order.

July 16, 2018
Vijay Asija

(**JITENDRA CHAUHAN**)
JUDGE

Whether speaking/reasoned

Yes / No

Whether Reportable

Yes / No