

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

CWP No.8586 of 2018

Date of Decision :09.07.2018

Mohinder Singh and others

.....Petitioners

Versus

**Postgraduate Institute of Medical Education and Research, Chandigarh
and another**

..... Respondents

CORAM: HON'BLE MR.JUSTICE KRISHNA MURARI, CHIEF JUSTICE

HON'BLE MR.JUSTICE ARUN PALLI, JUDGE

Present : Mr. Karan Singla, Advocate for the petitioners.

KRISHNA MURARI, CHIEF JUSTICE (Oral):

The petitioners have approached this Court challenging the judgment and order dated 8.3.2017 (Annexure P-2), passed by the Central Administrative Tribunal, Chandigarh Branch, rejecting the claim for payment of interest on the delayed payment of pay protection arrears. All the petitioners are retired, discharged from the Armed Forces and are re-employed with the Post Graduate Institute of medical Education and Research (hereinafter referred to 'the PGIMER').

The petitioners are claiming the benefit of the past service for the purpose of pay fixation as they were allowed only minimum of the pay scale at the time of their joining in the PGIMER. After making various representations with respect to the grievances, some of the similar situated employees filed civil writ petition No.13035 of 1998, before this Court, which was disposed of vide judgment and order dated 19.08.1998, with a direction to consider the claim within a period of four months.

The PGIMER considered the grievances of the petitioners and disposed of the same, vide memo dated 11.01.1999, by mentioning that “for the purpose of the grant of any pay fixation and pension, the ex-servicemen shall have to present their individual cases”. However, subsequently, the claim of the petitioners for pay fixation was finally rejected, vide order dated 30.10.2001.

The order was challenged before this Court, by filing the writ petition, which subsequently, was transferred to the Tribunal in the year 2009. The Tribunal, vide order and judgment dated 22.04.2010, disposed of the same directing the respondents to consider the claim of the petitioners again in the light of the orders passed by the High Court in CWP No.13035 of 2009 as also OA No. T-19-CH-09 (CWP No.10281 of 2001). Following the contempt petition, the official-respondents carried out the pay fixation. Thereafter, the petitioners again approached the Tribunal claiming payment of interest on delayed payment.

The Tribunal after going through the entire facts and circumstances of the case as also the records, returned a finding that the delay caused was not deliberate but on account of circumstances which were beyond the control and can be attributed to a number of factors, including delay in getting the detailed information about their past service from the defence establishments which consumed considerable time. The delay in submitting the recommendations by Dr. Prabhakar Committee, constituted to look into the issue of pay fixation also contributed to delay. The Tribunal recorded a finding that since there has been no deliberate and excessive undue delay in settling the matter, the fault does not lie with the

respondents in not paying interest on delayed payment.

Having heard learned counsel for the petitioners and having perused the entire record, we do not find any infirmity in the finding returned by the Tribunal which is based on consideration of the entire facts and circumstances of the case and in our considered opinion the matter does not require any interference by us in exercise of extra-ordinary writ jurisdiction under Articles 226 and 227 of the Constitution of India. The petition being devoid of merit accordingly stands dismissed.

(KRISHNA MURARI)
CHIEF JUSTICE

(ARUN PALLI)
JUDGE

09.07.2018

Manoj Bhutani

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