

CWP-1169-2014 (O&M)

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

**CWP-1169-2014 (O&M)
Date of Decision: 30.01.2019**

Darshan Singh and Ors

... Petitioners

vs.

Union of India and Ors

.. Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present: Ms. Munisha Gandhi, Sr. Advocate with
Ms. Salina Chalana, Advocate, for the petitioners.

None for respondents No. 1 and 3.

Ms. Anita Balyan, Advocate, for respondents No. 2 and 4.

ARUN MONGA, J

The Central Administrative Tribunal (for short 'Tribunal') per its judgment/order dated 09.12.2005 (Annexure P1) allowed the claim of the petitioners for grant of revised pay scales. The Tribunal clearly observed that it was expected of the respondents to comply with the directions passed in its order dated 09.12.2005 within a period of three months from the date of receipt of certified copy of the order so as to make consequential disbursement to the petitioners.

2. The order passed by the Tribunal was challenged by the respondent(s) before this Court vide writ petition bearing CWP-7416-CAT-2006 (Annexure P2). During the pendency of the writ petition, no interim stay on the operation of the order passed by the Tribunal was granted. The said writ petition was eventually dismissed vide order dated 06.02.2013 (Annexure P-2). It is a conceded position that order of dismissal of the writ petition has since attained finality as no further proceedings are pending. After the dismissal of

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the writ petition, the payments in respect of arrears qua the revised pay scales of the petitioners were disbursed sometime in December, 2013.

3. The present writ petition has been filed for issuance of a writ in the nature of *mandamus* directing the respondent(s) to pay interest on the delayed payment on account of withholding the revised pay scales granted to the petitioners.

4. Having gone through the pleadings and relevant record appended by the respective parties and having heard the rival contentions of both sides, I find that the prayer made by the petitioners is fair and justified. Concededly, the amount, on account of arrears which was found and held by the C.A.T. to be legitimately payable to the petitioners, was withheld for an inordinate period, for no fault of the petitioners. There was no justification on the part of the respondent(s) to have not paid the petitioners merely on the ground of pendency of the writ petition, particularly, when there was no stay on the operation of the judgment/order passed by the Tribunal.

5. Another aspect of the matter is that the respondent(s) did not take any steps to approach the Tribunal for enlargement of time for disbursement of the dues, arising out of the grant of revised pay scales, as directed by the Tribunal.

6. The Tribunal while disposing of the case on 09.12.2005, had observed that it was expected of the respondents to comply with its directions within a period of three months. Even otherwise, the petitioners' dues were required to be paid within a reasonable period. As against this, the dues were paid after 08 years. Pendency of the writ petition before this Court, did not justify the non-compliance of Tribunal's order. There was no ad-interim stay in the case and the writ petition was ultimately dismissed.

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7. Even otherwise, the petitioners are entitled to seek interest on their legitimate salary dues, for delayed disbursement as per Section 3 of the Interest Act. For ready reference, the relevant thereof is extracted herein below:

“Power of court to allow interest.— (1) In any proceedings for the recovery of any debt or damages or in any proceedings in which a claim for interest in respect of any debt or damages already paid is made, the court may, if it thinks fit, allow interest to the person entitled to the debt or damages or to the person making such claim, as the case may be, at a rate not exceeding the current rate of interest, for the whole or part of the following period, that is to say,—

(a) if the proceedings relate to a debt payable by virtue of a written instrument at a certain time, then, from the date when the debt is payable to the date of institution of the proceedings; xxxx.....”

A bare perusal of the above shows that the interest can be awarded, in respect of any debt, which has already been paid, at a rate not exceeding the current rate of interest.

8. Accordingly, the instant petition is disposed of with a direction to the respondents that they shall pay interest on the amount of arrears, already paid to the petitioners, to be calculated @ 6% per annum from the expiry of three months after order dated 09.12.2005 was passed by the Tribunal i.e. from 09.03.2006 till the actual payment i.e. December, 2013.

Let the needful be done within a period of three months from the receipt of a certified copy of this order.

30.01.2019
smriti

(ARUN MONGA)
JUDGE

Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No