

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

205

**CWP No. 10125 of 2016
Date of Decision: 6.5.2019**

Kewal Krishan**.....Petitioners**

v.

Bhakra Beas Management Board and others**.....Respondents****CORAM HON'BLE MR. JUSTICE G.S. SANDHAWALIA**

Present:- Mr. S.S. Rana, Advocate, for the petitioner

Mr. Amit Jhanji, Advocate, for the respondents

G.S. SANDHAWALIA, J. (Oral) :

The only issue which arises is as to whether the petitioner as such was required to deposit Rs.6500/-with simple interest or with compound interest in view of the directions of this Court issued on an earlier occasion on 29.7.2013 (Annexure P-7), wherein his period from 18.10.1966 to 30.3.1984 was directed to be treated as work charge for pensionary benefits.

The background as such is that on 18.10.1966 the petitioner had been appointed with the Beas Construction Board on work charge basis. Thereafter, on account of retrenchment, he was again appointed on work charge basis w.e.f. 1.3.1985 with respondent Board and retired from service on 31.3.2004. At that point of time, he received the retiral benefits. After that CWP No. 2855 of 2012 was filed seeking said relief on the strength of the judgment of the Apex Court in '**Punjab State Electricity Board and another v. Narata Singh and another**, 2010 (4) SCC 317'.

Since for the purpose of getting pension, he was required to re-deposit a sum of Rs.6500/-for the above said period i.e. almost for 18 years, the Board asked him to deposit the same alongwith compound interest and resultantly, on 10.7.2014, he deposited Rs.1,16,967/-. Thereafter, arrears of pension i.e. Rs. 6,65,482/-have been received by the petitioner on

11.7.2014, on account of the fact that he had deposited amount alongwith compound interest. He then has approached this Court that compound interest was not justified and it amounts to recovery in a different manner.

In such circumstances, even the respondents have not denied the fact of plea taken in para No.8 and held out simple interest was not justified as per law. The fact is further verified from the chart Annexure P12, on the basis of which the petitioner specifically pleaded that demand was such of compound interest. But nowhere it has been shown that under which provision the compound interest as such could be claimed. In such circumstances, this Court is of the opinion that the respondents shall re-calculate the amount which was due.

Resultantly, direction is issued to the respondents to re-calculate the interest element at simple rate on Rs.6500/- for the period concerned and thereafter, refund the excess amount which has been received, within a period of 2 months from the date of receipt of certified copy of this order.

The amount which is to be paid shall carry the simple interest @ 8% per annum from 10.7.2014 on account of the amount recovered by the Board without any authority of law.

Disposed of.

(G.S. SANDHAWALIA)
JUDGE

6.5.2019

Ashwani

Speaking/Reasoned
Reportable

Yes/No
Yes/No