

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

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CWP No.25365 of 2013 (O&M)

Date of Decision : 01.11.2019

Randhir Singh

....Petitioner

v/s

State of Haryana and others

....Respondents

Coram : Hon'ble Mr. Justice B.S. Walia

Present: Mr. K.S. Malik-I, Advocate for the petitioner.

Mr. Harish Rathee, Senior DAG, Haryana.

B.S. Walia, J. (Oral)CM No.634-CWP of 2017***Allowed***, as prayed for.

Reply is taken on record.

CWP No.25365 of 2013

[1] Main prayer in the writ petition is for the issuance of a writ in the nature of Mandamus to direct the respondents to grant ACP Scale and due increments by fixing pay scale as per law along with interest @ 24% per annum w.e.f. the date of entitlement i.e. 1995.

[2] Learned counsel states that during the pendency of the writ petition, the petitioner has been granted arrears on account of increments payable for the period 1994 to 2009 in the year 2014 after the filing of the writ petition, therefore, the only surviving claim is for payment of interest on the arrears paid after a delay of 05 years, after granting exemption from clearing the type test on 19.01.2009.

[3] Learned Senior Deputy Advocate General, Haryana, has not been able to justify non release of arrears on account of increments granted for a period of 05 years, after the grant of exemption from qualifying the type test vide order dated 19.01.2009.

[4] Admittedly, the respondents took 05 years to release arrears on account of increments for the period 1994 to 2009 without any justification. In the circumstances, the respondents wrongfully withheld the amount, which was due and payable to the petitioner as per his entitlement for a period of 05 years. Consequently, the petitioner is held entitled to interest on the arrears paid after a delay of 5 years at rate of interest as paid by Nationalized Banks on long term deposits w.e.f. date of entitlement i.e. one month after the expiry of 19.01.2009, till the date the arrears were paid. Respondents are directed to calculate the amount payable to the petitioner by applying the highest rate of interest as offered by various Nationalised Banks on FDRs during the relevant period and make payment within a period of 03 months from the date of submission of certified copy of the order.

[5] Writ petition disposed of in above terms.

(B.S. Walia)
Judge

November 01, 2019
'Rajneesh'

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