

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No. 19531 of 2017
Date of Decision : 05.02.2019

Baljit Singh

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: *HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI*

Present: Mr. Vikas Chatrath, Advocate for the petitioner.

Mr. Mehardeep Singh, Addl. A.G., Punjab.

Harsimran Singh Sethi, J.(Oral)

In the present writ petition, the claim which has been made by the petitioner is that the respondents are not releasing the arrears of the grade pay for which he is entitled for.

As per the averments made in the present writ petition, the pay scale of the employees of the Government of Punjab were revised in the year 2009 w.e.f. 01.01.2006. Government of Punjab issued Instructions dated 29.12.2010 that the arrears for the period 01.01.2006 till 31.07.2009 will be paid in three installments. The first installment of 40% was payable after the salary of April, 2011 and the next two installments @ 30% each was payable in May, 2012 and May, 2013.

Learned counsel for the petitioner states that the said payments were made by the respondents much after the date as envisaged in the Instructions mentioned above and, therefore, the petitioner is entitled for

interest on the said amount, which was retained by the respondents without any valid justification.

Upon notice of motion, the respondents have filed the reply. In reply, the following has been admitted in paras 4 and 5 :-

“4. That the State of Punjab implemented the recommendation of Pay Commission during the year of 2011 w.e.f. 01.01.2006. The State Government has already clarified vide letter dated 29.12.2010 regarding the payment of arrears w.e.f. 01.01.2006 to the year of 2011, the date of implementation of recommendation of Pay Commission. The total arrears of all employees was to be paid in three installments to all the Government employees of State of Punjab. The first installment consisting of 40% of arrear was to be paid in May, 2011 and remaining amount of 60% of total arrear was to be paid in two equal installments in May, 2012 and May, 2013 in the tune of 30% in each installment.

5. That as per Punjab Government instructions, the entire arrears on account of implementation of recommendation of Pay Commission was to be paid during May, 2011, May, 2012 and May, 2013. It could not be paid to the petitioner in time. However, now all payments have been made to the petitioner the detail of which is as under :-

Sr. No.	Amount	Due Date	Date of Payment	Bank Account No./ Cheque No.	Remarks
1	37,177/-	May, 2011	28.01.2014	----	Ist installment
2	26,383/-	May, 2012	15.12.2017	RTGS	2 nd installment
3	26,383/-	May, 2013	15.12.2017	RTGS	3 rd installment
4	11872+9498 = 21370	----	18.12.2017	RTGS	Interest @ 9% p.a.

Therefore, in view of above, the payments of arrears as well as interest on delayed payment has already been made to the petitioner. However, some delay has been occurred. The Officers and Officials responsible for this delay will be proceeded against as per law after adopting due procedure as

per law. Hence the grievances of the petitioner as raised vide legal notice dated 24.06.2017 (Annexure P-1) has already been redressed. The copy of the Bank Pass book of petitioner is annexed herewith as Annexure R-1/”

A bare perusal of the above would show that the respondents have admitted that three installments were to be paid for clearing the arrears starting from May, 2011 till May, 2013 but, in fact, as per the chart reproduced above, the payments were made in the year 2014 and 2017, which is much after the said date, on which the petitioner became entitled for the said amount.

From the written statement, it is clear that no justification has been provided for the delayed release of the said payment. As per the judgment of a Co-ordinate Bench of this Court in ***J.S. Cheema Vs. State of Haryana and others, 2014(13) RCR (Civil) 355***, where an amount has been retained by the department without any valid justification for which an employee was entitled for, the same would carry interest. The relevant paragraph of the judgment reads as under :-

“The jurisprudential basis for grant of interest is the fact that one person's money has been used by somebody else. It is in that sense rent for the usage of money. If the user is compounded by any negligence on the part of the person with whom the money is lying it may result in higher rate because then it can also include the component of damages (in the form of interest). In the circumstances, even if there is no negligence on the part of the State it cannot be denied that money which rightly belonged to the petitioner was in the custody of the State and was being used by it.”

In view of the above, the present writ petition is allowed. The respondents are directed to grant the interest @ 9% per annum to the

petitioner from the date the amount became due till the same was released.

Let calculation of the amount be done within a period of two months from the date of receipt of copy of this order and the amount so calculated shall be released to the petitioner within a period of two months thereafter.

February 05, 2019
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned? *Yes*
Whether reportable? *Yes*