

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

Sr. No.210

CWP-24071-2016

Date of Decision: 09.12.2019

SWARAN SINGH JANDU

....Petitioner

VS

STATE OF PUNJAB AND OTHERS

....Respondents

**CORAM: HON'BLE MR. JUSTICE ARUN MONGA**

Present: Mr. Manjit Singh, Advocate, with  
Mr. Atul Kaushik, Advocate,  
for the petitioner.

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

Mr. Harsh Aggarwal, Advocate  
for respondent No.4.

**ARUN MONGA, J. (Oral)**

1. The claim of the petitioner herein with regard to payment of interest arises out from an earlier litigation instituted vide CWP No.14392 of 2001, which was dismissed on merits resulting in an intra-court appeal by way of LPA No.1008 of 2002 but in the LPA, order dated 06.05.2002, passed by the Learned Single Judge dismissing the appeal was set aside in the following terms:-

*"The result of the aforesaid is that the impugned order of the learned Single Judge dated 06.05.2002 is set-aside; the orders passed and communicated vide Annexures P-12 and P-15 dated 29.08.2001 and 19.09.2001 are accordingly quashed with a direction that in case the State Government still proposes to withdraw the benefits of the earlier order of pension, they are required to call upon the appellant with reasons for doing so and*

*by giving an opportunity to the appellant to make a representation against the same. Adequate time not less than three weeks should be granted to the appellant from the date of service of the notice and a reasoned order be passed one way or the other thereafter. Needless to say, in the eventuality of such a course of action being adopted by the respondents and a resultant adverse order, the appellant would be entitled to assail the same in accordance with law."*

2. In view of the aforesaid order passed by the LPA Bench, the competent authority passed fresh orders and granted the relief of payment of arrears to the petitioner. However, while disbursing the arrears, no interest was paid.

3. In the premise, I am of the opinion that once it is conceded that the petitioner was entitled for grant of arrears, the onus and consequences of withholding the same for no legitimate reasons is with the respondents. Petitioner is naturally entitled to interest, as the said payment was not disbursed to him for a long time and for no fault of the petitioner.

4. The writ petition is disposed of with a direction to the respondent No.4-Municipal Corporation, Ludhiana, to calculate interest on the amount of arrears of pension paid, at the rate of 7% per annum w.e.f. 3 months after the date of retirement till the actual date of disbursement, and to release the same to the petitioner. Needful be done within 3 months of the receipt of certified copy of this order.

**December 09, 2019**

Himanshu

**(ARUN MONGA)  
JUDGE**

Whether speaking/reasoned  
Whether reportable

Yes/No  
Yes/No