

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

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CWP-24143-2016

Date of decision: 12.07.2019

Janak Raj

....Petitioner

Versus

Chairman Bhakra Beas Management Board & another

...Respondents

CORAM: HON'BLE MR. JUSTICE G.S.SANDHAWALIA

Present: Mr.Varun Sharma, Advocate, for the petitioner.

Mr.Anil Sharma, Advocate, for the respondents.

G.S. SANDHAWALIA, J. (Oral)

Prayer in the present writ petition, filed under Articles 226/227 of the Constitution of India, is for grant of the work-charge service w.e.f. 10.05.1997 to 14.06.2006, followed by regular service from 15.06.1997 to 14.06.2006, for the purposes of counting it for the qualifying pensionary benefits. Accordingly, arrears of pension along with interest @ 18% per annum w.e.f. 01.11.2009 till the date of payment, are prayed for.

In the written statement filed by the respondents, it is submitted that the amount after counting the work-charge service from 10.05.1997 to 14.06.2006 as qualifying service, has already been paid, as per ledger (Annexure R-1).

A perusal of the same would go on to show that a sum of Rs.6,45,656/- was credited in the account of the petitioner in May, 2017. Resultantly, the present writ petition has been rendered infructuous qua this aspect. However, counsel for the petitioner submits that arrears of interest is liable to be paid for the period of delay in payment.

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Admittedly, the petitioner retired on 31.10.2009 and it is for the first time on 27.08.2015 (Annexure P-4), he represented on the strength of the Punjab Government instructions dated 23.02.2012, which had been approved by the Chairman of the Board on 18.12.2012. Thereafter, legal notice dated 19.01.2016 (Annexure P-5) was served. The respondents started acting on the same on 25.04.2016 (Annexure P-6) as there was a communication addressed to the Chief Engineer, Generation, by the Special Secretary that the case was covered under the aforementioned policy dated 18.12.2012.

As noticed, payment was only made in May, 2017. Resultantly, this Court is of the opinion that the petitioner would be entitled for the benefit of interest on account of the delayed payment, from the date of his representation i.e., 27.08.2015 till the date of payment, i.e., May, 2017 @ 9% per annum. The benefit of the above-said interest portion be paid within a period of 3 months from the receipt of certified copy of this order.

Writ petition stands allowed in the above-said terms.

12.07.2019
Sailesh

(G.S. SANDHAWALIA)
JUDGE

Whether speaking/reasoned: *Yes/No*

Whether Reportable: *Yes/No*