

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

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**CWP No.2270 of 2017 (O&M)
Decided on : 19.09.2019**

RPS Tyagi

... Petitioner

Versus

The New India Assurance Co. Ltd. and others

... Respondents

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

Present: Mr. Aalok Jagga, Advocate &
Mr. Jagatbir S. Dhindsa, Advocate for the petitioner.

Mr. Ashwani Talwar, Advocate and
Mr. Manav Satija, Advocate for the respondents.

G.S. Sandhawalia, J. (Oral)

In the present writ petition filed under Article 226/227 of the Constitution of India the petitioner claims the benefit of interest on the amount of ₹2,35,261/- which were withheld at the time of retirement, for the period from 23.05.2011 to 23.08.2011, as the same had been treated as 'Leave Without Pay'.

The petitioner had retired on 31.08.2011 and resultantly approached this Court by filing CWP No.6711 of 2012, whereby withholding of the abovesaid amount was challenged. This Court in the said case on 14.03.2016 (Annexure P-3) had set aside the orders dated 16.09.2011 and 16.11.2011 and directions had been given to pass a fresh order, keeping in view the fact that the petitioner had tried to justify that he was suffering from a medical problem during that period, which was certified by Dr. Ram Manohar Lohia Hospital, New Delhi (Annexure P-1).

Keeping in view the said directions, the respondents had a re-look at the issue and vide order dated 13.05.2016 (Annexure P-4) came to the conclusion that ₹2,35,621/- was to be released as there was justifiable

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reasons to be on leave during that period. Thus, the interest element is sought on that amount.

Counsel submits that withholding was at the instance of the employer and not on account of the fault of the employee. He has relied upon the judgment passed by this Court in '**Balbir Singh Bajwa Vs. State of Punjab and others'** 2016 (3) PLR 10, wherein similar issue as such was discussed and the entitlement to interest on retiral benefits in view of the law laid down in, **Deokinandan Prasad Vs. State of Bihar AIR 1971 SC 1409**, **State of Punjab Vs. Iqbal Singh AIR 1976 SC 667**, **State of Kerala Vs. M. Padmanabhan AIR 1985 SC 356**, **A.S.Randhawa, Supdg. Engineer (Retd.) Vs. State of Punjab 1998 (1) S.C.T. 343**, **Punjab State Civil Supplies Corporation Limited V. Sikander Singh AIR 2006 Supreme Court 1438** and **S.K.Dua Vs. State of Haryana & another 2008 (3) SCC 44**.

Accordingly, this Court is of the opinion that the petitioner is entitled for the benefit of interest @ 10% per annum on the amount of ₹2,35,621/- from the date of retirement i.e. 31.08.2011 till the date of payment. The amount be paid within a period of two months from the date of receipt of a certified copy of this order. In case the needful is not done within the prescribed period, the interest rate of 12% per annum would be applicable.

SEPTEMBER 19, 2019
Naveen

(G.S. SANDHAWALIA)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No