

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No. 27984 of 2018
Date of Decision : 07.02.2019

Janak Raj and others

...Petitioners

Versus

The Pepsu Road Transport Corporation and another

...Respondents

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

Present: Mr. Vikas Singh, Advocate for the petitioners.

Mr. Anupam Singla, Advocate for the respondents.

Harsimran Singh Sethi, J.(Oral)

In the present writ petition, the grievance which has been raised by the petitioners is that they are entitled for interest @ 9% on the delayed release of their retiral benefits and also the action of the respondents in not deciding their claim for the grant of dearness allowance.

As per the facts mentioned in the writ petition, the petitioners had approached this Court by filing CWP No. 8496 of 2018 seeking a writ in the nature of mandamus praying for interest @ 12% on account of delayed payments of their retiral benefits. Further, a prayer was made for the arrears of the Dearness Allowance alongwith interest. The said writ petition was disposed of by this Court on 05.04.2018 with the direction to the respondents to decide the representation, which the petitioners had filed on 25.02.2018, in view of the order passed by this Court in CWP No. 15306

of 2016, titled as ***“Hari Ram and others Vs. Pepsu Road Transport Corporation, Nabha Road, Patiala”***, decided on 04.09.2017.

In pursuance to the direction given by this Court, the respondents passed an order on 12.06.2018 (Annexure P-10) by which the claim of the petitioners with regard to the grant of interest was accepted and the respondents allowed interest @ 9% per annum on the delayed payments of the pensionary benefits to the petitioners. The interest was to start after the three months of the retirement.

As the claim for the arrears of the Dearness Allowance was not decided by the respondents, the petitioners filed a Contempt Petition bearing COCP No. 2921 of 2018, which came to be decided on 14.09.2018. The said order reads as under :-

“Counsel for the petitioners contends that while passing the order dated 12.06.2018 (Annexure P-6), respondent has not considered the claim of the petitioners with regard to the grant of Dearness Allowance. She, therefore, contends that the order passed by this Court has not been complied with as she had prayed in the representation for grant of not only the interest but the Dearness Allowance also.

2. This contention of the counsel for the petitioners cannot be accepted to the extent of it being contempt of the order passed by this Court. A claim made in the representation, which has not been decided, for which direction has been issued by this Court to be decided and reference to the said order has been made, would invariably mean rejection of the said claim on consideration.

3. Petitioners, if so advised, may avail of their remedy in accordance with law.

4. The present contempt petition is disposed of with above observations.”

Now the present writ petition has been filed again by the petitioners for release of the arrears of the Dearness Allowance for which they are entitled for.

Mr. Anupam Singla, learned counsel appearing on behalf of the respondents states that matter is under consideration and the appropriate order will be passed within a period of three months from today deciding the claim of the petitioners in respect of the demand of release of the arrears of the Dearness Allowance.

Learned counsel for the petitioners states that though the order of release of delayed payments with interest has been passed by the respondents on 12.06.2018 but no actual payment has been released to the petitioners despite the said order.

Learned counsel for the respondents states that the matter will be looked into and in case the payments have not already made, the same will be released within the next three months positively.

Learned counsel for the petitioners states that the respondents should also decide the claim of the petitioners for interest on the Dearness Allowance in case the petitioners are found entitled for the same.

Learned counsel for the respondents states that the said prayer will also be kept in mind while passing appropriate orders.

In view of the above, the present writ petition is disposed of.

February 07, 2019
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned? *Yes*
Whether reportable? *No*