

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

CWP-542-2017

Date of decision: - 01.03.2019

Harmit Kaur

....Petitioner

Versus

State of Punjab and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Mr. Karanvir Singh Khehar, Advocate,
for the petitioner.

Ms. Deepali Puri Sandhu, Additional Advocate General, Pb.

Mr. Sameer Sachdeva, Advocate
for respondent No.4.

HARSIMRAN SINGH SETHI, J. (ORAL)

In the present case, the grievance which is being raised by the petitioner is that her salary has not been correctly fixed in the pay scale of 37400-67000+10000/- grade pay w.e.f. 01.01.2006.

The prayer is made that after giving the said benefits, the arrears for which the petitioner will become entitled should also be released to her.

Today, an affidavit has been filed by Harvinder Singh Bhalla, Deputy Director (C&P) O/o Director Public Instructions (Colleges) Punjab, on behalf of respondent No.3, wherein it has been mentioned that the benefits claimed by the petitioner in the present writ petition for the revision of her salary were already granted by the department, vide order

dated 25.02.2019. Keeping in view the refixation of the salary, the petitioner has become entitled for an amount of ₹6,30,906/-, which amount has already been paid to the College, vide Cheque No.836472 dated 28.02.2019 and therefore, nothing more is due to the petitioner.

In fact the said cheque has been handed over to counsel for respondent No.4-College today in Court.

Counsel for the respondent No.4 states that the amount, which has been received today from the State Government, will be immediately disbursed to the petitioner within a period of one week without any further delay.

Counsel for the petitioner states that though the payment has already been made but as the petitioner was entitled for this amount w.e.f. 01.01.2006. Counsel argues that petitioner is entitled for interest as the said benefit has been only released to her after an expiry of more than 12 years.

Counsel for the petitioner states that the petitioner be given liberty to file an appropriate representation with the State Government claiming the interest on the said payment in view of the settled principle of law settled by this Court in **J.S. Cheema Vs. State of Haryana, 2014 (13) RCR (Civil) 355**, according to which, an employee will be entitled for the interest on an amount which has been retained by the respondents without any valid justification. The relevant paragraph of **J.S. Cheema's case (supra)** is 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.”

Counsel for the State, on instructions from Harvinder Singh Bhalla, Deputy Director (C&P) O/o Director Public Instructions (Colleges) Punjab, undertakes that in case any representation in this regard is filed, the same will be dealt with expeditiously in view of the settled principle of law and the appropriate order will be passed within a period of one month from the date of receipt of any such representation. Further, in case after the decision on the said representation, the petitioner is found entitled for any benefit including monetary benefit, the same will be released to her within a period of two months.

Counsel for the petitioner states that at this stage, the petitioner does not wish to press the present writ petition any further, but he seeks liberty to invoke the jurisdiction of this Court in case any grievance is to be redressed henceforth.

Disposed of as not pressed, with the liberty, as prayed for.

(HARSIMRAN SINGH SETHI)
JUDGE

March 01, 2019
naresh.k

Whether reasoned/speaking?
Whether reportable?

Yes
No