IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.3658 of 2020
Date of Decision: 11th February, 2020

Ram Lubhaya

...Petitioner

Versus

State of Punjab & others

...Respondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Prateek Pandit, Advocate,
for the petitioner.

*****

AUGUSTINE GEORGE MASIH, J. (ORAL)

Challenge in this writ petition is to the order dated 19.03.2019 (Annexure P-13) passed by the Executive Engineer, Construction Division-1, PWD (B&R), Branch Kapurthala – respondent No.4, whereby, interest as claimed by the petitioner has been declined keeping in view the fact that neither the Court has ordered the grant of interest nor the Punjab Government Rules have any provision for payment of interest on delayed payment of arrears of salary.

Learned counsel for the petitioner contends that the services of the petitioner were illegally terminated. Petitioner raised an industrial dispute and in pursuance to the reference, an Award dated 10.12.1993 (Annexure P-1) was passed in his favour directing the respondents to reinstate him with continuity of service and full back-wages from the date of demand notice till reinstatement. He was to report for duty as and when the award became enforceable in law. The award having attained finality upto

HARISH KUMAR
2020.02.13 10:30
I attest to the accuracy and
integrity of this document
chandigarh

the Hon'ble Supreme Court was given effect to but the petitioner was not granted the continuity of service. Petitioner again had to approach this Court challenging the said order dated 01.02.2010 (Annexure P-5). The said writ petition was disposed of as infructuous as the services of the petitioner had been regularized from the date of his initial date of engagement i.e. 01.12.1981 by passing a speaking order dated 13.12.2017 (Annexure P-7). CWP No.10545 of 2011, thus, preferred by the petitioner was disposed of by this Court on 15.05.2018 (Annexure P-9). It is, thereafter, petitioner served a notice through counsel claiming interest on delayed payment, non-decision thereon, he approached this Court by filing CWP No.1652 of 2019, which was disposed of by this Court vide order dated 21.01.2019 (Annexure P-12) by directing the respondents to decide the legal notice within a period of six weeks. It is, in pursuance thereto, legal notice has been decided by respondent No.4 rejecting the claim of the petitioner on the grounds which have been mentioned above i.e. no interest is payable to the petitioner as none of the Courts had granted the interest nor does the Punjab Government Rules mandate such interest on delayed payment of arrears of salary.

Learned counsel for the petitioner contends that there has been inaction on the part of the respondents in not granting him the benefit as per the award passed by the Labour Court. Petitioner has been denied the benefit of full back-wages from the date of his reinstatement although the continuity has not been granted to him which they have subsequently granted resulting in the release of the arrears, which were delayed and

HARISH KUMAR
2020.02.13 10:30
I attest to the accuracy and
integrity of this document
chandigarh

therefore, the petitioner is entitled to the grant of interest thereon. He, therefore, contends that the impugned order dated 19.03.2019 (Annexure P-13) cannot sustain and deserves to be set aside.

This contention of the learned counsel for the petitioner cannot be accepted in the light of the fact that none of the orders which have been passed by this Court and by the Labour Court grant him any interest on delayed payment. It is a settled preposition of law and as per the provision of Order 2 Rule 2 of CPC that all claims had to be made in one go. Petitioner having either failed to have claimed the said benefit of interest or having not pressed the same at the relevant time when the cases were decided, cannot now be permitted to raise the same plea by way of separate writ petition as the present one.

Otherwise also, in the light of the reasons assigned by the Executive Engineer, Construction Division 1, PWD (B&R), Branch Kapurthala – respondent No.4, in the impugned order dated 19.03.2019 (Annexure P-13), this Court does not find any reason to differ from the opinion as has been expressed by the said authority.

In view of the above, finding no merit in the present writ petition, the same stands dismissed.

(AUGUSTINE GEORGE MASIH)
JUDGE

11th February, 2020
Harish

Whether speaking/reasoned:	**Yes/No**
Whether Reportable:	**Yes/No**

HARISH KUMAR
2020.02.13 10:30
I attest to the accuracy and
integrity of this document
chandigarh