IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP-13049-1998 (O&M)
Date of Decision : 22.09.2020

Charanjit Jawa ...... Petitioner

Versus

State of Punjab and others ...... Respondents

CORAM : HON'BLE MR. JUSTICE RAKESH KUMAR JAIN
HON'BLE MR. JUSTICE ASHOK KUMAR VERMA

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Present : Mr.Parminder singh-I, Advocate
for the petitioner.

Mr. I.P.S.Doabia, Addl. A.G., Punjab.

Ms. Manju Goel, Advocate
for Mr. Sumeet Goel, Advocate
for respondent No.4.

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<u>RAKESH KUMAR JAIN, J. (Oral)</u>

Case has been taken up for hearing through video conferencing due to the outbreak of Pandemic COVID-19.

Shorn of unnecessary details, learned counsel for the petitioner has referred to an order dated 03.09.2002, passed by this Court in the present writ petition, which is reproduced as under:-

> *"The petitioner was a member of the Punjab Civil Services (judicial branch). He had remained on deputation with the Food Corporation of India from March 21, 1987 to March 20, 1991. In pursuance to the direction given by this Court, the petitioner's pay was re-fixed with retrospective effect vide order dated December 20, 1996. A copy of this order has been produced as Annexure P/4 with the writ petition. After the re-fixation of pay, the petitioner has repeatedly represented to the respondents for payment of*

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arrears of salary. On January 22, 1998, the 4th respondent has paid a total sum of Rs.70,000/-. Thereafter an amount of Rs.19,156.44 ps. was paid to him by way of interest. The petitioner claims that actually an amount of Rs.2,86,349/- was due to him on December 31, 1997.

Mr. Ravi Kant Sharma, learned counsel for respondent No.4 states that in accordance with the prescribed procedure, the payment has to be made by the State of Punjab. Thereafter the amount shall be re-imbursed by the Food Corporation of India to the State Government.

The stance adopted on behalf of the Food Corporation of India is not satisfactory. It appears to be calculated to delay the payment. The petitioner is entitled to the payment of salary by the Food Corporation of India. On account of delay in disbursement, he is also entitled to the interest. Since the petitioner had served the F.C.I., the payment for the relevant period has to be made by it. It deserves mention that during the period from September 1992 to October 1996, the petitioner had remained on deputation with the Delhi Transport department. The difference on account of revision of pay for this period has already been paid by the borrowing agency. Similarly, the Food Corporation of India should pay.

The hearing of this case is adjourned to October 11, 2002. The amount due to the petitioner should be worked-out and paid on or before that date.

A copy of this order may be given dasti on payment of usual charges.

He has then referred to another order dated 11.10.2002, passed by this Court, in the present petition, which is also reproduced as under:-

"Mr. Ravi Kant Sharma states that according to the respondent-Corporation the amount due to the petitioner was Rs.67,802. After deducting an amount of Rs.6,916 on account of income tax, a cheque for an amount of Rs.60,886/- has been handed over by the counsel to Mr. Amit Rawal,

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Advocate for the petitioner.

Mr. Rawal submits that this is not the payment of due amount.

Admitted.

To be heard early."

The petitioner who is now 80 years of age filed CM-8592 and 8593-2020.

Both the applications were disposed of on 07.09.2020 and the main writ petition was ordered to be listed for hearing today.

Learned counsel for the petitioner has submitted that the petitioner is entitled to interest calculated @ 12% per annum (simple) on the amount of ₹67,802/- which comes to ₹45,600/-, on account of the delayed payment. It is submitted that the petitioner was entitled to the amount of ₹67,802/- in the year 1997 which was actually paid in the year 2002 which is evident from the order dated 11.10.2002.

Learned counsel for the respondent (FCI) has argued that the petitioner is entitled to claim the amount of interest from the State Government.

In rebuttal, learned counsel for the petitioner has submitted that this argument was raised by the respondent-FCI way back in the year 2002 and was rejected by this Court while passing order dated 03.09.2002.

We have heard learned counsel for the parties and after perusal of record, are of the considered opinion that the amount of ₹67,802/-, paid in the year 2002 was required to be disbursed to the petitioner in the year 1997 and because there was a delay of about 68 months in the payment of said amount due, the petitioner is definitely entitled to interest which we calculate @ 12% per annum (simple) from the date of its approval till the date of its payment.

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We do not find any force in the arguments of learned counsel for the respondents that the liability to pay the interest is on the Government of Punjab because the said argument was also raised earlier and rejected by this Court vide order dated 03.09.2002.

Thus, in view of the aforesaid facts and circumstances, the present petition is hereby disposed of with the direction to the Food Corporation of India to pay interest for a period of 68 months on ₹67,802, calculated @ 12% per annum (simple) which comes to ₹45,600/- to the petitioner within a period of two months from the date of receipt of certified copy of this order.

(RAKESH KUMAR JAIN)
JUDGE

(ASHOK KUMAR VERMA)
JUDGE

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