

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

CWP No.14368 of 2016 (O&M)

Date of Decision: 7.2.2020

Bhajan Singh

.....Petitioner

Versus

State of Haryana and another

.....Respondents

CORAM: HON'BLE MS. JUSTICE NIRMALJIT KAUR

Present: Mr. V.B. Aggarwal, Advocate, for the petitioner.

Mr. Pankaj Mulwani, Deputy Advocate General, Haryana.

NIRMALJIT KAUR, J. (Oral)

The short prayer in the preset writ petition is to grant interest to the petitioner towards the delayed payment on account of 1st and 2nd ACP, which was due to him on 1.11.2002 but was paid only in November, 2011.

Learned State counsel while objecting to the grant of interest submitted that the same was granted to the petitioner immediately after the order dated 19.8.2010. Moreover, the petitioner is coming to this Court after a gap of almost five years.

Heard.

Admittedly, the petitioner was entitled to the claim of ACP in November, 2002. The authorities were bound to give the same. The petitioner was forced to file writ petition seeking the said relief. However, the said writ petition was disposed of on 19.8.2010 with a direction to the respondents to consider and decide the legal notice served by the petitioner. It was at that point of time, the respondents rectified their mistake and granted the benefit of 1st and 2nd ACP. Obviously, it is admitted that he was entitled to the same from the due date. The petitioner was forced to come to

the Court unnecessarily. Accordingly, the respondents are bound to pay the interest towards the delayed payment. The second argument of learned State counsel that the petitioner approached the Court after five years is not fatal in the facts of the case, as the interest has to be paid on the delayed payment from the date it was due till it was paid and not for the period thereafter.

Accordingly, the respondents are directed to pay interest @ 6% per annum from the date it was due i.e. 1.11.2002 uptill November 2011. The same be paid to the petitioner with a within a period of two months from the receipt of certified copy of this order. In case the said amount is not paid within two months, the same shall be paid thereafter alongwith 12% interest from the expiry of the period of the said two months.

(NIRMALJIT KAUR)
JUDGE

7.2.2020
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Whether Speaking/Reasoned :	Yes/No
Whether Reportable :	Yes/No