

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

115)

CWP no.16148 of 2020

Date of Decision: 05.10.2020

Jaswinder Singh

...Petitioner

Versus

Punjab State Warehousing Corporation and others

...Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present:- Mr. Tahab Bains, Advocate, for the petitioner.

Amol Rattan Singh, J. (Oral)

All the cases listed today have been taken up for hearing by way of video conferencing because of the situation existing due to the Covid-19 pandemic.

By this petition filed under the provisions of Article 226/227 of the Constitution of India, the petitioner seeks issuance of a writ in the nature of certiorari, quashing the impugned order dated 19/20.02.2020 (copy Annexure P-3), to the extent that his plea with regard to interest on the payment of Rs.4,76,064/- has been rejected, as was deducted from his salary consequent upon passing of an order dated 02.08.2006 (set aside by the appellate authority vide an order dated 13.02.2018).

The said principal amount is stated to have been refunded to the petitioner vide an order dated 19/20.02.2020.

Learned counsel for the petitioner submits that the petitioner was in fact exonerated of the charges framed against him and the impugned order, imposing a punishment of recovery of Rs.4,76,064/- was set aside by the appellate authority vide the order Annexure P-1.

He submits that thereafter though the amount recovered from

115) CWP no.16148 of 2020 -2-
the salary of the petitioner has been returned, the interest thereupon has not
been paid to him, as per the impugned order dated 19.02.2020.

Notice of motion be issued to the respondents.

Mr. Athar Ahmed, Advocate, appears and accepts notice on
behalf of the respondent State Warehousing Corporation.

He submits that the order of the appellate authority not having
stated anything with regard to payment of interest, the petitioner is not
entitled to any interest, the principal amount deducted from his salary
already having been returned to him.

Having considered the matter, the fact remains that the
petitioner was eventually found to be innocent of the charges, though of
course the appellate authority states that “the benefit of doubt must give
given to him”.

Yet, he having been eventually exonerated of all charges
against him and the impugned order imposing the punishment of recovery of
the amount having been set aside in *toto*, in my opinion, the petitioner would
be entitled to interest on the money recovered from him.

Consequently, this petition is allowed to the extent that the
respondents would pay interest to the petitioner on each amount recovered
from his salary, @ 6% per annum, running from the date of deduction in
each month, till the date that the principal amount has refunded to him.

05.10.2020
vcgarg

(AMOL RATTAN SINGH)
JUDGE

Whether reasoned/speaking:	Yes
Whether reportable:	No