

259 **THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

CWP-1556-2021

Date of Decision: 07.07.2022

Reeta Baweja

..... Petitioner

Versus

State of Haryana and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Parth Goyal, Advocate,
 for the petitioner.

Mr. Satish Singla, AAG, Haryana.

HARSIMRAN SINGH SETHI J. (ORAL)

In the present petition, prayer of the petitioner is for the grant of 2nd and 3rd ACP to him, for which she is entitled for, by the respondent-Department.

Learned State counsel submits that as per the instructions received by him, vide letter dated 05.07.2022, claim of the petitioner has been re-considered by the respondents and the petitioner has been found eligible for the grant of 2nd ACP w.e.f. 01.12.2012 and 3rd ACP, w.e.f. 01.12.2016, and appropriate order has also been passed in this regard by the authorities concerned on 01.07.2022. Learned State counsel further submits that the amount concerned will be released to the petitioner within a period of two months from today.

Learned counsel for the petitioner submits that he has no information about the said development. Learned counsel further submits that though as per the aforesaid statement of learned State counsel, the

respondents have now found the petitioner eligible for the grant of 2nd and 3rd ACPs with effect from the respective dates, but as the petitioner was entitled for the grant of said benefit in the year 2012 and 2016 respectively, still she was forced to approach this Court for the said purpose, therefore, the petitioner is also entitled for the grant of interest on the consequential benefits which are going to be released in favour of the petitioner in pursuance of order dated 01.07.2022.

Learned State counsel has not been able to rebut the contention of learned counsel for the petitioner that delay in releasing the benefit of 2nd and 3rd ACP to the petitioner is attributable upon the respondents only.

As per the judgment of a co-ordinate Bench of this Court, passed in **CWP-15867-2001** titled as “**J.S. Cheema Vs. State of Haryana and others**”, decided on 20.11.2013, even where an amount has been retained by a Department, which actually belonged to the employee, and has used the same to its benefit, and the employee has suffered prejudice due to the non-release of the said amount, the employee becomes entitled for the grant of interest, so as to compensate him for the said prejudice. The relevant paragraph No.5 of the judgment is as under:-

“ x -- x -- x

In my opinion, even if the assertion made in the written statement is presumed to be correct it would not disentitle the petitioner for claiming interest. 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 laying 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.

x -- x -- x''

In the present case, the amount for which the petitioner has now been found entitled for by the respondents themselves, vide order dated 01.07.2022, the delay in releasing of the said benefit to the petitioner is attributable upon the respondents only. Once the petitioner could not enjoy the benefits at the time when the same were due to her, she needs to be compensated by granting her interest on the said delayed release of benefit to her by the respondent-Department.

Keeping in view the above, the petitioner is held entitled for the grant of interest at the rate of 6% per annum on the delayed release of consequential benefits to her, which will be released in her favour by the respondent-Department, vide order dated 01.07.2022, passed by the authorities concerned, from the date the said amount became due till the date of actual payment of the same to the petitioner.

Let the computation of interest, for which the petitioner becomes entitled for under this order, be carried out within a period of two months from the date of receipt of the copy of this order and the interest so calculated be paid to her within a period of next four weeks.

Allowed in the above terms.

07.07.2022

Apurva

(HARSIMRAN SINGH SETHI)

JUDGE

1. Whether speaking/reasoned : Yes/No
2. Whether reportable : Yes/No