

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

(225)

CWP-6854-2021

Date of Decision : April 22, 2022

Dharamvir Singh

.. Petitioner

Versus

Haryana Vidyut Prasaran Nigam Ltd. and another

.. Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. B. K. Bagri, Advocate,
for the petitioner.

Mr. Narender Singh Behgal, AAG, Haryana.

HARSIMRAN SINGH SETHI J. (ORAL)

The present petition has been filed by the petitioner with the prayer that the respondents may kindly be directed to count the daily wage service which the petitioner had rendered from 01.06.1983 till 30.12.1992 as a qualifying service for computing the pensionary benefits.

After notice of motion, the respondents have appeared and have stated that on reconsideration, the claim of the petitioner was found meritorious and the said benefit has already been extended to him and his pensionary benefits have been recalculated and the arrears of the same have already been extended to the petitioner.

The learned counsel for the petitioner does not dispute the fact that the petitioner has already been extended the benefits, however, submits that as the petitioner had retired from service on attaining the age of superannuation on 31.08.2018 whereas the benefits have been given to him in the year 2022 i.e. after more than 3½ years of his retirement hence, the petitioner is entitled for the grant of interest on the said amount.

The learned counsel for the respondents contest the claim of the petitioner for the grant of interest on the ground that as and when, the grievance was raised by the petitioner, the same was looked into and appropriate order was passed and therefore, the petitioner's claim for grant of interest may kindly be declined.

I have heard the learned counsel for the parties and have gone through the record with their able assistance.

Keeping in view the principle of law settled by the Full Bench of this Court in '**Kesar Chand Vs. State of Punjab and others**', AIR 1988 Punjab 265 wherein, it has been settled that the daily wage service rendered by an employee prior to regularization of his services is to be taken into account as a qualifying service for computing the pensionary benefits, it was incumbent upon the respondents themselves to take into account the same, when the petitioner retired in the year 2018. It is not the case of the respondents that the respondents did not know about the factual aspect that the petitioner had discharged the duties on daily wage basis prior to the regularization of his services. That being so, the benefit, which the petitioner was entitled for at the time of his retirement, was not extended to him by the respondents and the delaying in the release of the benefits is

A Co-ordinate bench of this Court in ***J.S. Cheema Vs. State of Haryana, 2014(13) RCR (Civil) 355***, had held that an employee will be entitled for the interest on an amount which has been retained by the respondents without any valid justification. The relevant paragraph of **J.S. Cheema's case (supra)** is as under: -

“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 lying 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.”

A bare perusal of the above would show that the petitioner was entitled for the release of the amount at the time when he retired in the year 2018 but as the respondents released the said amount only in the year 2022, and for the intervening period the respondent has used the said amount for its benefit, and the petitioner has suffered prejudice due to the non-release of the said amount, the petitioner becomes entitled for the grant of interest, so as to compensate him for the said prejudice. The claim of the petitioner is covered by the of the Hon'ble Supreme Court in **J.S. Cheema's case (supra)**

Keeping in view the above, the arrears, which have been released by the respondents now upon reconsideration by giving the benefit

of daily wage service, will also carry interest @ 6% per annum from the date the petitioner retired, till the actual payment of the same. Let the interest, for which the petitioner becomes entitled for, be computed within a period of two months from the date of receipt of copy of this order and the amount so calculated be released to the petitioner within a period of one month thereafter.

April 22, 2022
Satyawan

(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : Yes