

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

Sr. No.242

CWP No.13700 of 2019

Date of Decision: 26.05.2022

Chano Devi

.... Petitioner

Versus

State of Punjab and another

... Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Yashpal Thakur, Advocate for the petitioner.

Ms. Ambika Bedi, AAG, Punjab.

Mr. Karanvir Singh, Advocate for respondent No.2.

HARSIMRAN SINGH SETHI, J. (ORAL)

The present petition has been filed for the refund of an amount of Rs.1,98,904/-.

Learned counsel for respondent No.2 submits that the amount of Rs.1,98,904/- has already been released to the petitioner vide Cheque No.744351 dated 24.05.2019 and therefore, the present petition has been rendered infructuous and the same may kindly be disposed of as such.

Learned counsel for the petitioner submits that as the amount which had been released in the year 2019, was retained by the respondent for a period of 7 years and therefore, the petitioner is entitled for the interest.

Learned counsel for respondent No.2 submits that as the payment has already been released, the petitioner had given in writing that she will withdraw the present petition.

Taking into consideration the fact that the respondents had withheld the money belonging to the petitioner for 7 years, the petitioner is entitled for interest keeping in view the judgment rendered by a Coordinate

Bench of this Court in CWP-15867-2001 titled as J.S. Cheema Vs. State of Haryana and others, decided on 20.11.2013, wherein it has been held that where an amount belonging to an employee has been retained and used by the department, the employee becomes entitled for the grant of interest on the said amount. The relevant paragraph 5 of the said judgment reads 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 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.”

Keeping in view the above, the present petition is disposed of and the petitioner is held entitled for the grant of interest @6% per annum on the delayed release of the benefit from the date from which the amount is due till the actual disbursement of the same.

Let the said interest be released to the petitioner within a period of two months from the receipt of a copy of this order.

(HARSIMRAN SINGH SETHI)
JUDGE

26.05.2022
Maninder

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No