

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

222

CWP-10787-2018

Date of Decision :20.04.2022

Malkiat Singh

...Petitioner

Versus

Uttar Haryana Bijli Vitran Nigam Ltd. and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Mohnish Sharma, Advocate for the petitioner.

Mr. Sunil Kumar Dhanda, Advocate for
Mr. Deepak Manchanda, Advocate for the respondents.

Harsimran Singh Sethi, J. (Oral)

Learned counsel for the respondents submits that the impugned order dated 28.02.2017 (Annexure P/5) has already been withdrawn by the respondents with the direction that the recovery which has been effected from the petitioner be refunded to him.

Learned counsel for the petitioner submits that though, the impugned order has already been withdrawn by the respondents and amount is to be refunded to the petitioner but as the petitioner was not able to use the said amount, the petitioner may kindly be granted interest on the delayed payments, keeping in view the settled principle of law settled by a Coordinate Bench of this Court in ***J.S. Cheema Vs. State of Haryana, 2014(13) RCR (Civil) 355***, wherein it has been held that where an amount belonging to an employee, has been retained and used by the department

concerned upon the release of the said amount on a later date, the interest has to be given.

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

As per the judgment of a Coordinate Bench of this Court ***J.S. Cheema Vs. State of Haryana, 2014(13) RCR (Civil) 355***, an amount belonging to an employee, has been retained and used by the respondents, upon the release of the said amount, on a later date, the interest has to be given. The relevant paragraph of *J.S. Cheema's case (supra)* is as under: -

“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.”

The case of the petitioner is squarely covered by the above said decisions in his favour for the grant of interest on the delayed payment as respondents retained the amount without any valid justification, which is clear from the fact that the respondents themselves decided to release the withheld amount to the petitioner.

Keeping in view the above, let an amount of Rs.1,82,627/- which is to be refunded/released to the petitioner as per order dated 20.04.2022 passed by the respondents, by which order, the impugned order dated 28.02.2017 (Annexure P/5) has been withdrawn, be implemented within a period of four weeks from the date of receipt of copy of this order

and interest @ 6% per annum be given to the petitioner from the date the amount became due till the date of its realization to the petitioner.

Petition stands disposed of.

April 20, 2022
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(HARSIMRAN SINGH SETHI)
JUDGE

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