

215-A

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

CWP NO. 10974 OF 2018

DATE OF DECISION: 25.04.2022

Suresh Kumar

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM : HON'BLE MR. JUSTICE ARUN MONGA

Present : Mr. Mohit Rathee, Advocate,
for the petitioners.

Mr. Saurabh Mohunta, DAG, Haryana.

ARUN MONGA, J. (ORAL)

Petitioner herein, *inter alia*, seeks issuance of a writ in the nature of mandamus directing the respondents to release the interest on arrear with effect from 06.06.1997 to 01.10.2007 as the arrear was released without any interest vide impugned order dated 10.03.2016 (Annexure P-2).

2. Petitioner joined the respondent-department in the year 1993 and after completion of his contract, he was placed in the waiting list. Later he was again appointed on contractual basis. His services were regularized with effect from 12.06.1998 vide office letter dated 01.10.2007. Vide order dated 31.05.2016, services of the petitioner were regularized from back date i.e 06.06.1997 keeping in view his seniority and also the Litigation Policy, 2010. Arrear for the said period i.e. 06.06.1997 to 01.10.2007 was released to him without any interest, vide order dated 10.03.2016 (Annexure P-2).

3. Learned counsel for the petitioner contends that case of the petitioner is squarely covered by a judgment of this Court rendered in case titled “**Harjit Singh v. State of Punjab and others**” 2016 (3) LLJ 290.

4. Having gone through the pleadings and relevant record appended by the respective parties and having heard the rival contentions of both sides, I find that the prayer made by the petitioner is fair and justified. Concededly, the amount on account of arrears was withheld for an inordinate period, for no fault of the petitioner. There was no justification on the part of the respondent(s) to have not paid the same to petitioner. I have already expressed my opinion on an earlier occasion in CWP No. 1169 of 2014 decided on 30.01.2019 titled as “**Darshan Singh and others v. Union of India and others**”, as below :

“7. Even otherwise, the petitioners are entitled to seek interest on their legitimate salary dues, for delayed disbursement as per Section 3 of the Interest Act. For ready reference, the relevant thereof is extracted herein below:

“Power of court to allow interest.— (1) In any proceedings for the recovery of any debt or damages or in any proceedings in which a claim for interest in respect of any debt or damages already paid is made, the court may, if it thinks fit, allow interest to the person entitled to the debt or damages or to the person making such claim, as the case may be, at a rate not exceeding the current rate of interest, for the whole or part of the following period, that is to say,—

(a) if the proceedings relate to a debt payable by virtue of a written instrument at a certain time, then, from the date when the debt is payable to the date of institution of the proceedings;

xxxx.....”

A bare perusal of the above shows that the interest can be awarded, in respect of any debt, which has already been paid, at a rate not exceeding the current rate of interest.”

5. Accordingly, instant writ petition is disposed of with direction to the respondents to calculate interest @ 5% per annum for the

period amount payable to the petitioner was withheld by the department.

Calculations be made and amount found due towards the interest component be paid within a period of 60 days failing which penal interest of 10% per annum shall be leviable instead of 5% per annum.

APRIL 25, 2022
Shalini

(ARUN MONGA)
JUDGE

Whether speaking/reasoned :
Whether reportable :

Yes/No
Yes/No