IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

208 **CWP-25661-2015**
Date of decision : 30.05.2022

SHADI LAL PALIAL

...... Petitioner

VERSUS

PUNJAB STATE POWER CORPORATION LTD. & ORS

...... Respondents

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

****

Present :- Mr. S. K. Rattan, Advocate
for the petitioner.

Mr. Piyush Khanna, Advocate
for respondents No.1 and 2.

Mr. Namit Kumar, Advocate and
Mr. Saksham Malhotra, Advocate
for respondents No.3 to 5.

****

<u>HARSIMRAN SINGH SETHI, J. (Oral)</u>

In the present case, the prayer of the petitioner is to direct respondents No.1 and 2 to revise the pensionary benefits of the petitioner by counting the service which the petitioner had rendered with the Central Public Works Department (hereinafter referred to as "CPWD") i.e. respondent No.3 for a period 16.10.1978 to 14.09.1984 as a qualifying service after the petitioner retired from the service of the Punjab State Power Corporation Limited on 31.05.2011.

Learned counsel for the petitioner argues that after the filing of the present petition, the petitioner has been paid the full amount after taking into account the said service as a qualifying service but there is a delay in release of the said benefits and therefore, the petitioner is entitled for interest on delayed release of payments keeping in view the judgement of the Full Bench of this Court in **A. S. Randhawa Vs. State of Haryana.**

Learned counsel appearing on behalf of the Punjab State Power Corporation Limited (PSPCL) submits that when the petitioner joined PSPCL, it was his duty to get his dues recovered in respect of the period he worked with CPWD, which is under Government of India, and deposit the same with the PSPCL but the petitioner failed to do so and after the retirement of the petitioner, CPWD did not pay the contribution for the period in question to the PSPCL due to which, the amount could not be released to the petitioner.

Learned counsel appearing on behalf of respondent No.3 submits that the amount of Rs.4,02,123/- was being demanded by the PSPCL which was at the rate when the petitioner attained the age of superannuation i.e. in 2011 whereas, the amount which the CPWD was liable to pay was as it existed when the petitioner left the job on 14.09.1984 and as there was a dispute, the amount could not be released to PSPCL so that the same could be released to the petitioner.

Learned counsel for the petitioner submits that as the amount of Rs.4,02,123/- has already been released by respondent No.3 now, which has been given to the petitioner, respondent No.3 be directed to pay the interest so as to compensate the petitioner as the amount has been paid to the petitioner in the year 2018 whereas, the petitioner retired on 31.05.2011.

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

The entitlement of petitioner for benefits with regard to the period when he rendered service from 16.10.1978 to 14.09.1984 with CPWD is not in dispute. The said benefit has already been extended to the petitioner. That being so, if the benefit has been extended now, when there was no impediment in the release of the said benefit on 31.05.2011 when the petitioner retired, therefore, the petitioner needs to be compensated by the grant of interest.

The question arises whether the interest is to be paid by the PSPCL or respondent No.3.

In the present case, the amount which has been released to the petitioner in the year 2018, should have been released by respondent No.3 in 2011 itself when petitioner retired from service. The delay in releasing the amount is on the part of respondent No.3. Respondent No.3 has released the amount in question in the year 2018, and nothing has come on record why the same was not released in the year 2011 when petitioner retired.

The arguments raised by the learned counsel appearing on behalf of respondent No.3 that they were not liable to release the amount of Rs.4,02,123/- as being demanded by the PSPCL, due to which dispute, the payment was not released, cannot be accepted for the reason that ultimately, the respondent No.3, has released an amount of Rs.4,02,123/- to the PSPCL for onward transmission to the petitioner. By the said act, respondent No.3 has conceded its liability to pay the said amount hence, the said amount should have been released by respondent No.3 in the year 2011 itself when, the petitioner retired from service.

Keeping in view the above, the delay in release of the amount in question is attributable to respondent No.3 only. Once the amount has been released by PSPCL now amounting to Rs.4,02,123/-, the respondent No.3 is liable to compensate the petitioner by the payment of interest @ 6 % per annum from the date the petitioner retired i.e. 31.05.2011 till the actual payment released by respondent No.3. Let the calculation be done by respondent No.3 in respect of interest and the same be released to the petitioner within a period of one month thereafter.

(HARSIMRAN SINGH SETHI)
JUDGE

30.05.2022
rimpal

Whether speaking/reasoned	Yes
Whether Reportable :	No