215

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP NO. 27394 OF 2017
DATE OF DECISION: 25.04.2022

Narender Singh and others **…Petitioners**

Versus

Additional Chief Secretary 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)

Petitioners herein, *inter alia*, seek issuance of a writ in the nature of mandamus directing the respondents to release the arrears with interest from 01.03.1997 to 11.06.1998 and also interest on arrears with effect from 12.06.1998 to 15.06.2007, which was released by the respondents without any interest vide impugned order dated 21.04.2016 (Annexure P-1).

2. Petitioners joined the respondent-department in the year 1993 and after completion of their contract, they were put in waiting list. Later they were again appointed on contractual basis on different dates in the year 1996. Services of all the petitioners were regularized from 12.06.1998 vide order dated 27.2.2006 and they were paid arrears with effect from 12.06.1998 to 01.10.2007, without interest, vide order dated 21.04.2016. Vide order dated 31.05.2016 (Annexure P-2 Colly) and in

SHALINI BHATIA
2022.05.12 16:05
I attest to the accuracy and
authenticity of this document.

view of Haryana Litigation Policy, 2010, all the petitioners were regularized from 01.03.1997 as they were covered under Rule 5.5 of the policy, ibid.

3. Learned counsel for the petitioners contends that case of the petitioners 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 petitioners is fair and justified. Concededly, the amount on account of arrears was withheld for an inordinate period, for no fault of the petitioners. There was no justification on the part of the respondent(s) to have not paid the same to petitioners. 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....."*

SHALINI BHATIA
2022.05.12 16:05
I attest to the accuracy and
authenticity of this document.

> *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 petitioners 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 **(ARUN MONGA)**
Shalini **JUDGE**

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

SHALINI BHATIA
2022.05.12 16:05
I attest to the accuracy and
authenticity of this document.