

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

**CWP-2954-2018 (O&M)
Date of Decision: 05.08.2022**

Narender Kumar and anotherPetitioners

Versus

State of Haryana and othersRespondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present: Mr. Ramesh Goyat, Advocate
for the petitioners.

Mr. R.K.S. Brar, Addl.A.G., Haryana.

ARUN MONGA, J. (ORAL)

Petitioners herein, *inter alia*, seek issuance of a writ in the nature of mandamus directing the respondents to release their arrears, claiming compliance of office orders dated 04.08.2014 and 02.06.2014 (Annexure P-3 Colly.) with all consequential benefits along with interest.

2. As per the office orders (Annexures P-3 Colly.) the ACP pay-scales of the petitioners were withdrawn and they were granted 1st ACP Grade pay scales of Rs.9300-34800+3300 GP w.e.f. 01.01.2006 on completion of 10 years regular satisfactory service on

the post of Assistant. The aforesaid Grade pay was further converted to the Grade Pay of Rs.9300-34800+3600 GP in terms of the Haryana Govt. instructions dated 04.03.2014. It was further ordered that recovery of these ACP pay scales granted on the post of Clerk be adjusted against the arrears of 1st ACP Grade Pay granted on the post of Assistant and the remaining arrears were directed to be paid to the petitioners. However, till date they have not given the aforesaid arrears.

3. Learned State counsel is not able deny that though the petitioners are entitled to arrears but the same have not been granted to them till date.

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 respondents 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; 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.

xxxxx.....”

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.

6. Since the main case has been decided, the pending civil miscellaneous application, if any, also stands disposed of.

(ARUN MONGA)
JUDGE

August 05, 2022
ashish

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