

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

249

CWP-25621-2019

Date of Decision :06.07.2022

Ram Mahar

..Petitioner

Versus

Dakshin Haryana Bijli Vitran Nigam Limited and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Naveen Daryal, Advocate for the petitioner.

Mr. Arjun Dosanjh, Advocate for

Mr. C.S. Bakhshi, Advocate for the respondents.

Harsimran Singh Sethi, J. (Oral)

In the present writ petition, the grievance of the petitioner is that a show cause notice dated 14.01.2014 (Annexure P/3) was issued by the respondents to the petitioner after his retirement and an order was passed by the respondents for recovery of an amount equivalent to four increments from the pension of the petitioner.

After notice of motion, the respondents have filed reply, wherein, order dated 30.07.2020 (Annexure R-1) passed by the respondents has been attached whereby, show cause notice dated 14.01.2014 (Annexure P/3) has been withdrawn.

Learned counsel for the petitioner argues that once the punishment order has been withdrawn by the respondents, the petitioner is entitled for interest on amount of Rs.55,000/-, which was recovered by the

respondents from the pensionary benefits of the petitioner.

Learned counsel for the respondents opposed the grant of interest to the petitioner.

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

Once, the impugned order dated 14.01.2014 (Annexure P/3) has been withdrawn by the respondents themselves, the same cannot cause prejudice to the petitioner in any manner. After passing of the impugned order, an amount of Rs.55,000/- is said to be recovered from the pension of the petitioner on account of the impugned order dated 14.01.2014 (Annexure P/3), which was retained by the respondents and used by them to their benefit. Though, the impugned order dated 14.01.2014 (Annexure P/3) has been withdrawn by the respondents and an amount of Rs.55,000/- has been refunded to the petitioner but, as the same could be used by the petitioner to his advantage hence, the petitioner needs to be compensated by the respondents by the grant of interest, keeping in view the settled principle of law settled by a Coordinate Bench of this Court in of **J.S. Cheema Vs. State of Haryana, 2014(13) RCR (Civil) 355**. Relevant paragraph of the judgment 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.”

Keeping in view the above, the petitioner is held entitled for interest on amount of Rs.55,000/- which was recovered from the pension of the petitioner on the basis of impugned order dated 14.01.2014 (Annexure P/3), which order now stand withdrawn keeping in view the order dated 30.07.2020 passed by the respondents, @ 6% per annum from the date the amount was recovered from the petitioner till the same was refunded to him.

Let the computation of interest be done by the respondents within a period of two months from the date of receipt of copy of this order and the amount so calculated shall be paid to the petitioner within a period of one month thereafter.

Petition stands allowed in above terms.

July 06, 2022

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(HARSIMRAN SINGH SETHI)

JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No