

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

223

LPA-1153-2017

Decided on : 25.08.2022

Satnam Singh

.....Appellant(s)

Versus

State of Haryana and others

.....Respondent(s)

**CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA
HON'BLE MR.JUSTICE JAGMOHAN BANSAL**

Present: Mr. Sandeep Panwar, Advocate for the appellant (s).

Ms. Palika Monga, Deputy Advocate General, Haryana.

G.S. Sandhawalia, J. (Oral)

Present letters patent appeal arises out of the dismissal of the writ petition filed by the appellant bearing CWP No.7167 of 2017 on 06.04.2017, whereby the learned Single Judge had held that the fixation of pay-scales which was stated to be wrongly revised was a matter of evidence and appreciation and had relegated the writ petitioner to avail the remedy before the Civil Court.

Counsel for the appellant has submitted that the learned Single Judge was not correct in the said aspect since the matter had already stood settled by the Apex Court and by this Court in **CWP No.5520 of 2003** titled as '**S.P. Sood Vs. State of Haryana and others**' decided on **02.02.2009** and **LPA No.1008 of 2010** thereafter, being dismissed on 12.10.2010 (Annexure P-7), wherein while upholding the judgment of the learned Single Judge, the Coordinate Bench had directed that arrears be paid w.e.f. 01.01.1996 and the issue had been finalized.

In another round of litigation also in **CWP No.10506 of 2002** '**Dr. K.L. Kumar and others Vs. State of Haryana and others**' decided on 06.10.2009 the same issue had been decided, which was again upheld in **LPA No.930 of 2010** '**State of Haryana and another Vs. Dr. K.L. Kumar and others**' decided on 10.08.2010 by the Coordinate Bench. It is not disputed that SLP Nos.39474-39475 of 2013 had been dismissed on 12.10.2018. The writ petitioner had then filed a representation which was not decided and, accordingly, he filed **CWP No.4045 of 2014** seeking directions for the same relief. The writ petition was disposed of with the directions to decide the representation, which was rejected on 21.07.2014 (Annexure P-12).

Thus, we are of the considered opinion that it was not appropriate for the learned Single Judge to have relegated the appellant to the Civil Court in the peculiar facts and circumstances. The State has, however, already disbursed the amount to the appellant as per the additional affidavit filed of the Engineer-in-Chief dated 14.07.2022 that an amount of Rs.86,600/- had been released on 24.06.2022. The appellant has also been granted the pay-scale of Rs.13500-17250 w.e.f. 01.01.1996.

The issue, thus, is now only qua the interest element. It is not in dispute that general directions had been issued by the learned Single Judge in **CWP No.15887 of 2011** '**Jagdish Chander Narang and others Vs. State of Haryana and others**' decided on 11.03.2019, whereby 25 cases were disposed of in terms of decision passed in the case of **S.P. Sood (supra)** and interest was granted @ 8% per annum. Similar directions were also issued in **CWP No.905 of 2011** '**W.C. Goyal Vs. State of Haryana and another**' decided on 29.05.2012, which was decided

alongwith three other cases, wherein also writ petitions were disposed in the same terms as per decision passed in **S.P. Sood (supra)**.

Thus, it would be apparent that all similarly situated persons have been granted the benefit of interest @ 8% per annum, which would be clear from the above discussion. The only dispute herein is that appellant herein chose not to challenge the order dated 21.07.2014 (Annexure P-12) till the year 2017 when the writ petition was filed. Therefore, we are of the considered opinion that from 21.07.2014 till 01.01.2017, he would not be entitled for the benefit of interest @ 8% per annum. It is settled principle that interest is to be given as compensation on account of denial of the amount to the concerned employee, which was his legal vested right. Therefore, it would be unfair to contend that the element of interest is not to be granted, as it is a compensation for the amount wrongfully retained by the State.

The present appeal is, accordingly, disposed of by directing the State to pay the interest element on the amount already paid @ 8% per annum from 01.01.1996 till the date of payment after excluding the period from 21.07.2014 to 01.01.2017.

(G.S. SANDHAWALIA)
JUDGE

(JAGMOHAN BANSAL)
JUDGE

August 25, 2022
Naveen

Whether speaking/reasoned :
Whether Reportable :

Yes/No
Yes/No