

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

222

CWP-32263-2019

Date of Decision :08.07.2022

Sheela Kumari

..Petitioner

Versus

State of Haryana and others

...Respondents

**CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI**

Present: Mr. Anurag Goyal, Advocate for  
Mr. Ajay Chaudhary, Advocate for the petitioner.

Mr. Kiran Pal Singh, AAG, Haryana.

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**Harsimran Singh Sethi, J. (Oral)**

The present petition has been filed challenging order dated 31.12.2013 (Annexure P/4), whereby, the claim of the petitioner for the grant of 3<sup>rd</sup> ACP on completion of 24 years of service has been rejected by the respondents.

After notice of motion, the respondent-State has appeared and learned State counsel submits that an order dated 05.07.2022 has already been passed by the respondents granting the petitioner benefit of 3<sup>rd</sup> ACP on completion of 24 years of service w.e.f 01.02.2015 and, hence, the present petition has been rendered infructuous and may be disposed off as such.

Learned counsel for the petitioner submits that the respondents have not granted the benefit to the petitioner, for which, she was entitled in the year 2015 and rather the petitioner was forced to approach this Court to

seek the said benefit, which benefit has now been extended to her in the

year 2022 i.e. after the delay of 07 years and prays that the respondents be directed to grant the petitioner the benefit of interest on arrears, which are to be computed in pursuance to order dated 05.07.2022 passed by the respondents.

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

Once, the respondents have conceded the fact that the petitioner was entitled for the benefit of 3<sup>rd</sup> ACP on completion on 24 years of service in the year 2015 and the same benefit has not been extended to her despite being eligible, the petitioner has made out a case for the grant of interest on arrears, which are to be computed in pursuance to order dated 05.07.2022 passed by the respondents.

A Coordinate Bench of this Court in of **J.S. Cheema Vs. State of Haryana, 2014(13) RCR (Civil) 355** has held that where an amount belonging to an employee, has been retained and used by the respondents, upon the release of the said amount, on a later date, the interest has to be given. The relevant paragraph of **J.S. Cheema's case (supra)** 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.”*

In the present case, the benefit, which is to be released to the

petitioner in pursuance to order dated 05.07.2022 passed by the respondents, has been kept and used by the respondents for a period of 07 years despite the fact that the petitioner was entitled for the same in the year 2015 and, therefore the petitioner is also entitled for interest on arrears, which are to be computed in pursuance to order dated 05.07.20202 passed by the respondents @ 6% per annum from the date the amount became due till the actual payment is released to her. Let the computation of interest on arrears in pursuance to order dated 05.07.2022 passed by the respondents be done by the respondents within a period of two months from the receipt of copy of this order and the same be released to her within a period of one month thereafter.

The writ petition is allowed in above terms.

**July 08, 2022**  
*aarti*

**(HARSIMRAN SINGH SETHI)**  
**JUDGE**

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