

CWP-3426-2020 (O&M)

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

118+231

CWP-3426-2020 (O&M)

Date of Decision: 03.08.2023

Satnam Singh

...Petitioner

Versus

Union of India and Others

...Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present:- Mr. Navdeep Singh, Advocate for the petitioner

Mr. Dheeraj Jain, Senior Panel Counsel
for Union of India-respondents

JAGMOHAN BANSAL, J. (Oral)

CM-5380-CWP-2023

Application preferred by the respondents for placing on record order dated 15.02.2023 (Annexure R-2) is allowed. The same is taken on record subject to just exceptions. Registry is directed to tag the same at appropriate place.

CM stands disposed of.

CWP-27343-2022

1. The petitioner through instant petition under Article 226 of the Constitution of India is seeking setting aside of letters dated 05.12.2017 (Annexure P-2) and 21.09.2019 (Annexure P-5) whereby request of the petitioner to grant disability pension has been declined.

The petitioner is further seeking grant of disability pension under Category 'D' or 'E' along with arrears and interest thereon.

2. The brief facts of the case which are necessary for the adjudication of the present petition are that the petitioner suffered a gun-shot wound while on duty and his right leg was amputated. He was declared disable. The petitioner was entitled to disability pension under Category 'D', however, respondents did not grant disability pension. The petitioner filed present petition before this Court seeking direction to the respondents to grant disability pension. During the pendency of present petition, the respondents granted disability pension to the petitioner, however, it was granted under Category 'C'. The petitioner objected to grant of pension under Category 'C'. Respondents reconsidered the matter and vide order dated 15.02.2023 (Annexure R-2), granted disability pension to the petitioner under Category 'D', thus, grievance of the petitioner qua grant of disability pension under Category 'D' stands redressed.

3. Mr. Navdeep Singh, learned counsel for the petitioner submits that petitioner became entitled to disability pension in the year 2000 whereas he has been granted correct amount of pension in the year 2023. There is no lapse on his part, thus, respondents are liable to pay interest on the arrears.

4. Mr. Dheeraj Jain, learned counsel for the respondents submits that the petitioner did not raise grievance with respect to

14.07.2018 and thereafter, the present petition came to be filed in the year 2020. In such circumstances, it cannot be held that there is lapse on the part of respondents and accordingly, the petitioner is not entitled to interest.

5. I have heard the arguments of learned counsels for the parties and perused the record with their able assistance.

6. It is settled proposition of law that interest is compensatory in nature. Any person who retains money of another person is liable to pay interest for withholding the money. Indubitably, the petitioner did not raise grievance from 2000-2018, thus, he cannot be held entitled to interest for the said period and respondents cannot be held responsible for the lapse, however, the petitioner is entitled to interest from the expiry of three months from the date of representation i.e. 14.07.2018.

7. Accordingly, it is held that petitioner is entitled to interest @ 6% per annum from 14.10.2018 till the date of payment of arrears. Needful shall be done within 8 weeks from today

Disposed of in aforesaid terms.

(JAGMOHAN BANSAL)
JUDGE

03.08.2023
Mohit Kumar

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>