

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

224

CWP No.3744 of 2019

Date of decision: 07.02.2023

PRAHLAD SINGH

...Petitioner

Versus

**HARYANA AGRO-INDUSTRIES CORPORATION LTD. AND
ANOTHER**

...Respondents

CORAM : HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Mayank Garg, Advocate
for the petitioner.

Mr. Padam Kant Dwivedi, Advocate
for the respondents.

RAJ MOHAN SINGH , J.(ORAL)

The Petitioner has preferred this writ petition for the issuance of an appropriate writ in the nature of certiorari quashing the disciplinary enquiries initiated vide letters dated 16.01.2008 and 22.01.2009 with further directions to pay all consequential benefits including withholding of dues with interest.

Admittedly, during pendency of the present writ petition, the retiral dues of the petitioner have been released as nothing incriminating could be found in the departmental enquiries. The departmental proceedings were ultimately

dropped. The only surviving issue is for payment of interest on the delayed payment of retiral dues. The petitioner had retired on 30.06.2009. His pay-scale was not timely revised and benefit of revision of pay-scale was given to the petitioner only on 20.05.2020. Similarly other retiral dues have been paid to the petitioner on 02.06.2020. Since nothing incriminating could be found against the petitioner in the departmental enquiry and the same has been dropped during the pendency of the present petition, therefore, the petitioner is entitled for interest on the delayed payments. The pay-scale of the petitioner was to be revised after the date of retirement on 30.06.2009 w.e.f. 01.01.2006. The benefit of revision of pay-scale has been done only on 20.05.2020, therefore, the petitioner is entitled for interest on arrears arising out of revised pay and the principal amount to the tune of Rs.1,41,855/- has been paid to the petitioner on 20.05.2020.

In my considered opinion, the petitioner is entitled to interest at the rate of 6% on the aforesaid amount w.e.f. 30.06.2009 till 20.05.2020. As regards other retiral dues amounting to Rs.4,64,937/-, the petitioner is also entitled to interest at the rate of 6% from 30.06.2009 till 02.06.2020.

Though the petition has been vehemently opposed by learned counsel for the respondents, but I deem it appropriate

to order award of interest on the ground that the delay has occasioned for the reasons not attributable to the petitioner. Charge-sheets never culminated in any logical end, rather the same were dropped during the pendency of the present writ petition.

For the reasons recorded hereinabove, I dispose of this writ petition with a direction to the respondents to pay interest on the arrears of revised pay w.e.f. 30.06.2009 till 20.05.2020 and also on other retiral dues at the rate of 6% per annum from 30.06.2009 till 02.06.2020. The principal amount has already been calculated to the tune of Rs.1,41,855/- (revised pay) and Rs.4,64,937/- (other retiral dues) respectively.

If the amount of interest is not paid within 2 months from the date of receipt of certified copy of this order, then the rate of interest would be enhanced to 12% per annum from 30.06.2009 till final realization of the amount.

Disposed of.

07.02.2023
P.Bhatt

(RAJ MOHAN SINGH)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No