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IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

CWP-11713-2020(O&M)  
Date of Decision: 21.02.2023

**Rattan Singh**

....Petitioner(s)

Versus

**State of Punjab and others**

.....Respondent(s)

**CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI**

Present: Mr. Nirmal Sharma, Advocate for  
Mr. Kapil Kakkar, Advocate, for the petitioner.

Ms. Anju Sharma Kaushik, DAG, Punjab.

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**JASGURPREET SINGH PURI, J. (Oral)**

The present petition has been filed under Article 226/227 of the Constitution of India seeking a writ in the nature of *Certiorari* for quashing of order dated 02.12.2019 (Annexure P-9) vide which the claim of the petitioner for grant of interest was declined.

Learned counsel for the petitioner has submitted that it is a case where the petitioner had earlier served in the Indian Army from 08.08.1968 to 30.04.1987 and thereafter he joined the services of respondent-PWD Department on 08.09.1987 as a Clerk and retired on 31.12.2006. He submitted that for the purpose of grant of benefit of services rendered in the Indian Army, he was granted increments and his pay was fixed vide Annexure P-5 on 03.06.2011 and sanction was accorded but thereafter the

view of the same, he was constrained to file a writ petition before this Court i.e. CWP No.18618 of 2011 which was disposed of by this Court on 09.09.2019 vide Annexure P-7. The aforesaid order is reproduced as under:-

*“Learned counsel for the petitioner very fairly states that all the payment for which the petitioner was entitled for have already been released and therefore, the present writ petition has been rendered infructuous.*

*Learned counsel for the petitioner states that liberty be granted to the petitioner to claim interest by approaching the respondents by filing an appropriate application.*

*Dismissed as having been rendered infructuous, with liberty as prayed for. ”*

Learned counsel for the petitioner has submitted that as per the aforesaid order during the pendency of the aforesaid petition, the arrears were released to the petitioner and therefore, the petition was rendered infructuous but liberty was granted to the petitioner to claim interest by approaching the respondents by filing an appropriate application. Thereafter the petitioner filed an application vide Annexure P-8 for the grant of interest on the belated payment of 5 increments which were sanctioned way back in the year 2011 but were not paid to the petitioner in time. However, vide impugned order dated 02.12.2019 (Annexure P-9) the respondents have declined the grant of interest. He submitted that a perusal of the aforesaid impugned order would show that the reason which has been so stated was that although the petitioner was granted the benefit of increments which has been sanctioned in the year 2011 but there was a lapse in their department on their own where calculation could not be done by the staff of the respondent department and thereafter even an order was passed on

05.02.2018. Although show-cause notice was issued against the officials responsible for the delay but no further action was taken against them because they had already retired. He submitted that the aforesaid reason itself cannot become a ground for denial of interest to the petitioner once admittedly the lapse was on the part of the respondent department and not of the petitioner and therefore the aforesaid order Annexure P-9 is liable to be set aside since the petitioner is entitled for the interest on delayed payment in view of the judgment of a Full Bench judgment of this Court in ***A.S. Randhawa Versus State of Punjab and others, 1997(3) SCT 468 (F.B.)***

On the other hand, Ms. Anju Sharma Kaushik, learned DAG, Punjab appearing on behalf of the respondents submitted that it is correct that the petitioner was granted the benefits in the year 2011 by way of Annexure P-5 and he had earlier filed a petition and during the pendency of the earlier writ petition, he was granted the benefits and liberty was granted to him to approach the respondent authorities for grant of interest. She submitted that in fact the delay in the payment was because of the lapse on the part of the staff regarding which even a show-cause notice was issued.

I have heard the learned counsel for the parties.

The facts in the present case are not in dispute. The petitioner was granted the benefit of increments way back in the year 2011 vide Annexure P-5 and thereafter even as per the impugned order due to the lapse on the part of the staff of the respondent department that the same was not made. Therefore, the reasoning which has been given in the impugned order for rejecting the interest is not sustainable and is not just and proper.

In the absence of any justifiable cause for withholding the payment or

delaying the payment, an employee is always entitled for the grant interest on the delayed payment. The delay is of approximately 7 years and therefore in view of the Full Bench judgment of this Court in *A.S. Randhawa Versus State of Punjab and others (Supra)*, the petitioner is entitled for the grant of interest even by filing an independent petition for grant of interest.

In view of the above, the present petition is allowed. The impugned order dated 02.12.2019 (Annexure P-9) is hereby set aside. The petitioner shall be entitled for the grant of interest @ 6% per annum from 12.08.2011 i.e the date of sanction till the date of disbursement to the petitioner i.e. on 20.03.2019. The respondents shall calculate the aforesaid interest and shall be paid to the petitioner within a period of four months from today.

**21.02.2023**

rakesh

**(JASGURPREET SINGH PURI)**  
**JUDGE**

|                    |   |        |
|--------------------|---|--------|
| Whether speaking   | : | Yes/No |
| Whether reportable | : | Yes/No |