

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

LPA-502-2022 (O&M)

Date of Decision: 21.11.2023

Dakshin Haryana Bijli Vitran Nigam Ltd. and another

...Appellants

versus

S.S.Pannu and others

...Respondents

**CORAM: HON'BLE MS. JUSTICE RITU BAHRI, ACTING CHIEF JUSTICE
HON'BLE MR. JUSTICE AMAN CHAUDHARY, JUDGE**

Present : Mr. Hitesh Pandit, Advocate, for the appellants

Mr. Sandeep Thakan, Advocate, for respondents No.1 and 2

Mr. Deepak Balyan, Addl. Advocate General, Haryana

RITU BAHRI, ACTING CHIEF JUSTICE (oral)

1. This appeal has been filed by the appellant-Dakshin Haryana Bijli Vitran Nigam Ltd. against the impugned judgment dated 07.04.2022 passed by the learned Single Judge whereby the petitioner-respondents were held entitled for interest @ 6% per annum from the date the amount including basic pay and pensionary benefits had become due till release of the same.

2. Learned counsel for the appellant contends that there was no delay in fixation of pension as the clarification, based on which it was to be determined, was issued vide Memo dated 26.11.2021 by the Finance Department, which was consequently adopted by the appellant-Nigam on 24.01.2022 and thereafter, the cases were reprocessed and pay was revised as Rs.91,100/-, therefore, no interest was payable.

3. Learned counsel for respondent Nos.1 and 2 submits that it was the responsibility of the appellant-Nigam to have removed the anomaly in time and

refix the 50% pension on the basis of last pay drawn, which was done belatedly and even the arrears were not released. Accordingly, the interest was rightly granted by the learned Single Judge, as the respondents had suffered on account of the in action on the part of the Nigam.

3. Heard learned counsel on either side.
4. We are unable to persuade ourselves to accept the submission made on behalf of the appellant, in the facts and circumstances of the case.
5. Apparently, the respondents, aged 75 and 71 years, respectively, were constrained to approach the Court for removal of anomaly in their pay and refixation of pension based on last pay drawn amount of Rs.91,100/- w.e.f. 01.01.2016 instead of Rs.86,095/- and release arrears thereof.
6. Though, during the pendency of the writ petition, the Appellant-Nigam based on a Notification of the Government had considered the matter and granted relief but since the amount to which the respondents were entitled was unjustly retained by the Nigam and not released, compelling them to file the writ petition, thus, the learned Single Judge rightly held them entitled to interest @ 6% per annum.
7. Dismissed.

(RITU BAHRI)
ACTING CHIEF JUSTICE

(AMAN CHAUDHARY)
JUDGE

21.11.2023
ravinder

Whether speaking/reasoned	√Yes/No
Whether reportable	Yes/No√