

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

207

**CWP-12088-2016 (O&M).
Date of Decision: 13.01.2023.**

Somvir Bajar

.. Petitioner

Versus

**The Director General, Technical-cum-Vice Chairman, Haryana State
Counseling Society and another**

... Respondents

CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ.

Present: Mr. Jagjeet Beniwal, Advocate,
for the petitioner.

Mr. P.K. Chugh, Advocate,
for respondent No.1.

Mr. Vinod Gupta, Advocate,
for respondent No.2.

VINOD S. BHARDWAJ, J. (ORAL)

The instant petition has been preferred by the petitioner seeking issuance of an appropriate writ in the nature of certiorari for quashing the impugned order dated 17.03.2016 (Annexure P-3) vide which the claim of the petitioner for grant of interest amounting to Rs.1,81,260/- at the rate of 12% per annum on the delayed payment of Rs.3,42,032/- for CV Raman Research Scholarship PHD Programme for the period 01.01.2010 to 27.03.2011, was rejected by respondent No.1.

Learned counsel for the petitioner contends that the petitioner was awarded the CV Raman Research Scholarship from 28.03.2008 for a period of 03 years vide letter No.3734 dated 31.03.2009 issued by the

Haryana State Counseling Society. It is contended that the petitioner got 1st installment of the fellowship amount of Rs.3,01,067/- for the duration 28.03.2008 to 30.04.2009, 2nd installment of Rs.92,000/- for the period May 2009 to August 2009 and 3rd installment of Rs.92,000/- for the period September 2009 to December 2009. The petitioner submitted the claim for the release of remaining installment of Rs.3,42,032/- for the period 01.01.2010 to 27.03.2011, however, as the same was not being released, the petitioner sent a legal notice. It is contended that since the legal notice was not being decided, the petitioner was compelled to file CWP No.14376-2015 which was disposed of on 20.07.2015 with a direction to respondent No.1 to consider and decide the legal notice date 26.03.2015 by passing a speaking order within a period of 04 weeks from the date of receipt of certified copy of the order. It is submitted by the learned counsel for the petitioner that thereafter the scholarship amount of Rs.3,42,032/- was released, however, since the interest on the delayed payment of the scholarship amount was not paid, the petitioner again served a legal notice dated 01.02.2016 which has been rejected by the respondents vide order date 17.03.2016, hence the present petition.

Notice of motion was issued in this case on 26.07.2016 in pursuance whereof the respondents have filed their separate replies stating that the petitioner was entitled for scholarship only and not for interest since the case of the petitioner was submitted only after completion of Course and there was no fault on the part of the respondents.

In view of above, learned counsel for the petitioner submits that the petitioner be permitted to withdraw the present petition so as to enable him to avail alternative efficacious remedy of approaching the Civil

Court for seeking the aforesaid relief of interest on delayed payment since various judgments of the High Court have held the petitioners (in the concerned petitions) to be entitled for interest in the cases where there is an inexplicable delay in release of the due payment. The petitioner also seeks liberty to raise all such pleas before the Civil Court and/or any other competent Forum/Authority in appropriate proceedings and at appropriate stage.

The aforesaid prayer is not opposed by the learned counsel for the respondents.

Accordingly, without commenting anything on the merits of the case, the present petition is disposed of as withdrawn with the liberty as aforesaid.

Petition stands disposed of accordingly.

January 13, 2023
raj arora

(VINOD S. BHARDWAJ)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No