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

CWP No.20581 of 2019(O&M)

Date of Decision: 09.02.2023

Baljeet Singh and another

.....Petitioners

Vs

State of Haryana and others

.....Respondents

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present:Mr. Ramesh Goyat, Advocate
for the petitioner.

Mr. Naveen Singh Panwar, DAG, Haryana.

RAJ MOHAN SINGH, J. (Oral)

[1]. The petitioners have preferred this writ petition for the issuance of an appropriate writ in the nature of certiorari, quashing the impugned order dated 08.04.2019 passed by the respondent No.2, vide which the interest on delayed payments made to the petitioner has been denied.

[2]. Evidently, the petitioners filed CWP No.5118 of 2009 for quashing of order dated 19.01.2009, whereby the respondent No.3 had rejected the claim of the petitioners for grant of pay

scale at par with the private respondent No.4, who was stated to be junior to the petitioners. The said writ petition was allowed vide order dated 13.06.2016 in view of judgment passed in **CWP No.19547 of 2011** titled **Jai Pal Vs. State of Haryana and others** decided on 12.09.2012.

[3]. Evidently, the Court did not grant any interest *pendente lite* in the said writ petition. Thereafter, the respondent-Department was under obligation to implement the order dated 13.06.2016 promptly, but the payments were not released and the petitioner was forced to file COCP No.130 of 2017.

[4]. In pursuance of the notice issued in the said writ petition, short reply was filed on 06.07.2017 and payment of Rs.97,133/- was released in favour of the petitioner No.1 and amount towards arrears of Rs.1,91,932/- was released in favour of the petitioner No.2. Thereafter, in pursuance of judgment dated 13.06.2016 and during pendency of the aforesaid contempt petition, the balance payments were also made to the petitioners between the months of July 2017 to September 2017. The petitioner No.1 had retired on 30.11.2014 on attaining the age of superannuation, but he was paid revised gratuity of Rs.93,918/- only on 23.10.2017 and arrears of revised pension of Rs.1,40,384/- on 27.10.2017.

[5]. The grievance of the petitioner in this petition is towards interest on the delayed payments and the present grievance is not relatable to any such non-awarding of interest in previous litigation. The petitioner has tabulated the details of the delayed payments to the petitioner in para No.4 of the writ petition in the following manner:-

DETAILS OF DELAYED PAYMENT TO BALJEET SINGH (PETITIONER No.1)

Sr. No.	Office	Amount
1	G.M.H.R. Bhiwani	Rs.1,91,932/-
2	G.M.H.R. Faridabad	Rs.12,298/-
3	G.M.H.R. Rohtak	Rs.1,71,706/-
4	G.M.H.R. Sonipat	Rs.1,01,998/-
5	Arrears of Revised Gratuity	Rs.93,918/-
6	Arrears of Revised Pension	Rs.1,14,384/-
	Total	Rs.6,86,236/-

DETAILS OF DELAYED PAYMENT TO DAVINDER SINGH (PETITIONER No.2)

Sr. No.	Office	Amount
1	G.M.H.R. Bhiwani	Rs.97,133/-
2	G.M.H.R. Sirsa	Rs.2,60,396/-
3	G.M.H.R. Hisar	Rs.2,64,025/-
4	G.M.H.R. Jhajjar	Rs.81,117/-
	Total	Rs.7,02,671/-

[6]. Having heard learned counsel for the parties, I find that the petitioners have been denied the interest on the ground that there was no order passed in earlier CWP No.5118 of 2009 decided on 13.06.2016. The interest on different entitlements of the petitioners towards delayed payments w.e.f. 13.06.2016 is something different than the interest *pendente lite* for the period during which CWP No.5118 of 2009 remained pending in this Court. The petitioner is not claiming any interest towards that *pendente lite* interest. The claim of the petitioner is that *at least* w.e.f. 13.06.2016 till dues are paid in the months of July 2017 to September 2017, they are entitled for interest towards delayed payments. The petitioners have not made any claim of interest on the arrears, but are seeking interest on the delayed implementation of the order dated 13.06.2016, whereby the Court had already allowed the benefit to the petitioners, but the respondents did not release the same in time, rather released the same after inordinate delay, thereby making themselves to be responsible for paying interest towards delayed payments in question.

[7]. Keeping in view the nature of controversy, this writ petition is allowed, thereby directing the respondent No.2 to pay interest @6% on different entitlements as shown in the tabulated information furnished by the petitioner in para No.4 of

the writ petition. The amount of interest shall be calculated from 13.06.2016 till the months of July and September i.e. component-wise and shall be released within a period of two months from the date of receipt of certified copy of this order. In case, payment is further delayed, the petitioners shall be entitled to interest @ 12% in place of 6% interest as awarded hereinabove.

09.02.2023

Prince

Whether speaking/reasoned

Whether reportable

(RAJ MOHAN SINGH)
JUDGE

Yes/No

Yes/No