

232

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CWP-23645-2018 (O&M)

Date of Decision: 27.04.2023

Basu Ram Sharma

..... Petitioner

Versus

State of Punjab and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Akhilesh Vyas, Advocate
for the petitioner.

Mr. Arun William, AAG, Punjab.

JASGURPREET SINGH PURI, J. (ORAL)

1. The present writ petition has been filed under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of *certiorari* for quashing of the speaking order dated 07.02.2018 (Annexure P-2) wherein the wrong amount has been mentioned in the speaking order.

2. Learned counsel for the petitioner submitted that the petitioner had retired on 31.10.2015 and thereafter, the pensionary benefits were not paid to the petitioner. He further submitted that earlier the petitioner had filed a writ petition before this Court and an order was passed by this Court and directions were issued to the respondents to pass a speaking order and in compliance of the same, the impugned order (Annexure P-2) has been passed wherein it has been so stated by the respondents-Authorities that in pursuance of the judgment of this Court in CWP-8772-2015 titled as “*Charan Dass Vs. State of Punjab*”, it has been decided by the Government to grant interest to the petitioner for a

sum of Rs.1,40,954/- which will be paid to the petitioner shortly.

3. Learned counsel for the petitioner has submitted that he has got two fold grievances. Firstly, the aforesaid amount which was already decided by the Government which has been so stated in the impugned order i.e. Rs.1,40,954/- had accrued to the petitioner by passing of the aforesaid order on 07.02.2018 and it has been paid after a period of number of years and therefore, the petitioner is entitled for the grant of interest on the aforesaid amount and secondly, the aforesaid figure of Rs.1,40,954/- has been wrongly calculated since the interest amount will be Rs.2,88,444/- till May, 2016, and therefore, even the amount which has been so stated in the impugned order is wrongly calculated. He further submitted that when the reply was filed by the State, nothing was mentioned as to how the amount has been calculated.

4. At the time of arguments, both the learned counsels for the parties have stated that so far as the allegation of wrong calculation is concerned, the respondents-Authorities can again recalculate the amount after giving opportunity of hearing to the petitioner or his counsel. Therefore, so far as the second prayer of the petitioner that the amount calculated vide Annexure P-2 was erroneous, liberty is granted to the petitioner to provide entire calculation once again to respondent No.2 within a period of four weeks from today. In the event of giving details about calculation to respondent No.2, the respondent No.2 will recalculate the aforesaid amount which was due towards the petitioner after giving due opportunity of hearing to him or through his counsel and thereafter, shall again pass an order with regard to the aforesaid calculations by giving details.

5. So far as the first grievance of the petitioner with regard to the

delayed payment even on the amount which the Government itself has decided to pay way-back in the year 2018 and was paid to the petitioner again after period of about three years, the petitioner shall certainly be entitled for interest on the aforesaid amount of Rs.1,40,954/-. The respondent No.2 is directed to calculate the interest @ 6% per annum on the amount of Rs.1,40,954/- w.e.f. 07.02.2018 till the date of actual disbursement to the petitioner.

6. In view of the above, the present writ petition is disposed of.

27.04.2023

Bhumika

(JASGURPREET SINGH PURI)
JUDGE

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|-------------------------------|--------|
| 1. Whether speaking/reasoned: | Yes/No |
| 2. Whether reportable: | Yes/No |