

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

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CWP-25408-2017

Date of Decision : October 30, 2023

Dr. Ajay Jain**...Petitioner****Versus****State of Haryana and others****... Respondents****CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI**

Present: Mr. Pawan Singh Gehlot, Advocate for the petitioner.

Mr. Saurabh Mohunta, DAG, Haryana.

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Harsimran Singh Sethi, J. (Oral)

1. In the present petition, the grievance of the petitioner is that he is entitled for interest on the arrears of 3rd ACP as well as on the arrears of LTC for the block years 2008 to 2011 and 2012 to 2015.

2. At the time of hearing, learned counsel for the petitioner submits that he does not want to press the prayer qua the grant of interest on the arrears of LTC for the block years 2008 to 2011 and 2012 to 2015 keeping in view the reply filed by the respondent-department.

3. With regard to the prayer for the grant of interest on the arrears of 3rd ACP, learned counsel for the petitioner submits that once the respondents themselves have given the benefit of ACP to the petitioner from the due date, the petitioner is also entitled for interest on the arrears of ACP

so as to compensate him for the delay.

4. Learned counsel for the respondents has not been able to rebut the fact that the petitioner was given benefit of 3rd ACP after the due date but from the date due along with the arrears. That being so, once the factum of eligibility of the petitioner for the grant of benefit of ACP from the due date has been accepted by the respondents and the arrears have also been paid, the petitioner is also entitled for the grant of benefit of interest on the arrears of 3rd ACP keeping in view the settled principle of law settled by a Coordinate Bench of this Court in of ***J.S. Cheema Vs. State of Haryana, 2014(13) RCR (Civil) 355***, wherein, it has held that where an amount belonging to an employee has been retained and used by the respondents, upon the release of the said amount, on a later date, the interest has to be given. The relevant paragraph of ***J.S. Cheema's case (supra)*** is as under: -

“The jurisprudential basis for grant of interest is the fact that one person's money has been used by somebody else. It is in that sense rent for the usage of money. If the user is compounded by any negligence on the part of the person with whom the money is lying it may result in higher rate because then it can also include the component of damages (in the form of interest). In the circumstances, even if there is no negligence on the part of the State it cannot be denied that money which rightly belonged to the petitioner was in the custody of the State and was being used by it.”

5. Keeping in view the settled principle of law noticed hereinbefore, the arrears which the petitioner had got with regard to the grant of 3rd ACP will also carry interest @ 6% per annum from the date the same

was due till the date the same has been actually released.

- 6. Present petition is allowed in above terms.
- 7. Civil Miscellaneous application pending, if any is also disposed of.

October 30, 2023
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No