

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

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**CWP-26681-2019 (O&M)
Date of decision: 27.03.2023**

Chander Parkash

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Parth Goyal, Advocate for the petitioner.

Mr. Rohit Arya, DAG Haryana.

HARNARESH SINGH GILL, J. (ORAL)

In the present petition, prayer of the petitioner is for the grant of 1st Assured Career Progression Scheme (ACP)/2nd financial up-gradation w.e.f. 01.12.2011 and 2nd ACP/3rd financial up-gradation w.e.f. 01.12.2017, for which he is entitled for, by the respondent-Department.

The short reply filed on behalf of respondent Nos.1 to 3 is already on record.

Learned State counsel submits that as per the aforesaid short reply, the petitioner has already been granted the benefit of 1st ACP vide order dated 02.06.2020 and 2nd ACP vide order dated 25.06.2020.

Learned counsel for the petitioner submits that though the 1st ACP and 2nd ACP have been granted to the petitioner but the due amount and interest has not been paid to him till date. In support of his case, learned counsel for the petitioner relies upon CWP-1556-2021 titled as 'Reeta Baweja Vs. State of Haryana and others' decided on 07.07.2022 by a Coordinate Bench.

Learned State counsel further submits that that after grating the benefits of 1st and 2nd ACPs, the pay fixation was done on 09.06.2020 and 27.06.2020 and the amount has already been paid to the petitioner.

I have heard the learned counsel for the parties and have also gone through the case file.

In the present case, the 1st ACP and 2nd ACP, were due towards the petitioner w.e.f. 01.12.2011 and 01.12.2017 and were granted to him vide orders dated 02.06.2020 and 25.06.2020. Though the due amount has already been paid to the petitioner, but the fact remains that from the date of his entitlement to the date of its release, the amount was lying with the respondents. Because of this delay, the petitioner has to approach this Court and the petition is pending since September-2019. The petitioner could not enjoy the benefits at the time when the same were due to him, he needs to be compensated by granting him interest on the said delayed release of benefit to him by the respondent-Department.

Keeping in view the above, the petitioner is held entitled for the grant of interest at the rate of 6% per annum on the delayed release of consequential benefits to him from the date the said amount became due till the date of actual payment of the same to the petitioner.

Let the computation of interest, for which the petitioner becomes entitled for under this order, be carried out within a period of two months from the date of receipt of the copy of this order and the interest so calculated be paid to him within a period of next four weeks.

Allowed in the above terms.

27.03.2023

Mangal Singh

(HARNARESH SINGH GILL)
JUDGE

Whether reasoned/speaking?

Yes/No

Whether reportable?

Yes/No