

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

CWP-24871-2023

Date of Decision: 21.12.2023

Mohinder Pal

..... Petitioner

Versus

State of Punjab and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present: Mr. Amit Sharma (Kanav), Advocate
for the petitioner.

Mr. Vikas Singh, Advocate
for respondent No.3.

HARSH BUNGER J. (ORAL)

1. Petitioner (Mohinder Pal) has filed the instant writ petition under Article 226 of the Constitution of India seeking setting aside of impugned order dated 05.09.2023 (Annexure P-8). A further prayer has been made to direct the respondents to pay interest @ 18% per annum on the delayed payment on arrears of pay accrued on the account of re-fixation of pay, w.e.f. 01.01.2006, 01.11.2006 and 01.11.2016, from the date of its accrual till its actual realization.

2. A perusal of order sheets reveals that on 11.12.2023, the following order was passed by a co-ordinate Bench of this Court:-

“Learned counsel for the respondent No.3 submits that during the pendency of the present petition the impugned order dated 05.09.2023 (Annexure P-8) stands withdrawn.

Learned counsel on instructions submits that the fresh

order shall be passed after affording personal hearing to the petitioner within a period of one week.

On his request, adjourned to 21.12.2023.”

3. Learned counsel for respondent No.3 submits that in terms of the aforesaid order dated 11.12.2023, impugned order dated 05.09.2023 (Annexure P-8) stands withdrawn and thereafter, fresh order dated 20.12.2023 has been passed by the Managing Director, The Punjab State Cooperative Supply and Marketing Federation Ltd. (MARKFED). A copy thereof is handed over by learned counsel for respondent No.3 in Court today, which is taken on record, subject to all just exceptions. The relevant paragraph No.12 therein reads as under:-

“12. THEREFORE, in view of the above, the claim of the petitioner has been considered decided as follows:-

i. As regards payment of interest on delayed payment of retiral dues, interest @6% shall be paid to the petitioner, as there is precedent for the same.

ii. As regards, payment of balance gratuity due to increase in Gratuity upto Rs 20 lakhs, as per the amendment in the Payment of Gratuity Act, 1972, is applicable for all employees. However, enhanced Gratuity due to the petitioner shall be calculated and paid to the petitioner, as and when approved by the Government for all employees, as indicated at Para 8.

iii. As regards the claim for payment of interest on the arrears of pay fixation, the same cannot be considered as there is no provision under the Rules for the same. Further, in many cases, pay is fixed at a higher pay/scale at a later date, but with effect from an earlier date and arrears due are paid. This is not an isolated case, and as the arrears are already paid, there is no further action to be taken.”

may be permitted to withdraw the instant writ petition with liberty to file fresh one in respect of the claims which have not been considered/granted by the Department (MARKFED); and the said course of action is not objected by learned counsel for respondent No.3.

5. Keeping in view the aforesaid submissions made by learned counsel for the parties, the present writ petition is dismissed as withdrawn with the liberty aforesaid.

6. All pending application(s), if any, shall also stand closed.

21.12.2023

Apurva

(HARSH BUNGER)
JUDGE

1. Whether speaking/reasoned : Yes/No

2. Whether reportable : Yes/No