

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

269(3)

CWP-1186-2020 (O&M)  
Date of Decision:25.04.2024

Dharam Singh

...Petitioner

Versus

The State of Punjab and another

...Respondents

Jaspal Library Restorer

CWP-6641-2020 (O&M)  
...Petitioner

Versus

The State of Punjab and another

...Respondents

Malkiat Singh and others

CWP-27216-2022 (O&M)  
...Petitioners

Versus

The State of Punjab and another

... Respondents

CORAM: HON’BLE MR. JUSTICE AMAN CHAUDHARY

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Present: Mr. Shashi Bhushan Nagpal, Advocate,  
for the petitioner(s).

Mr. Satnampreet Singh, DAG, Punjab.

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AMAN CHAUDHARY, J. (Oral)

CM-6795 of 2024 in  
CWP-1186 of 2020

For the reasons mentioned in the application, the same is allowed and

**Main Case**

1. These cases involve similar issues and therefore, are being disposed of together by this common judgment. For brevity, facts are being taken from CWP-1186-2020.

2. The prayer made by the petitioners is for directing the respondents to grant interest on arrears of pay on being promoted retrospectively.

3. As is evident, the petitioner joined services as Class-IV employee on 01.04.1980 on regular basis and was allotted seniority No.471 in the year 1999. He, having become eligible for promotion, on completion of 5 years of service, to Class-III posts on 01.04.1985, was not granted, whilst his junior, Gurdev Singh among others, stood promoted as Lab Attendant vide order dated 08.11.1995 w.e.f. 26.11.1985. A string of litigation ensuing therefrom including CWP-3736-1986, as also COCP-86-2012, culminating from different petitions, stood decided on 17.02.2012. Only thereafter, having been pushed to the wall, the respondents granted promotions to the petitioners and other similarly situated, vide order dated 08.10.2012, w.e.f. 26.11.1985. Be that as it may, still the petitioner was made to knock the doors of Court yet again by filing CWP-12123-2013, the order in which having been passed along with a batch of petitions being led by CWP-1839-2013, that the actual benefits of arrears were ordered to be released vide order dated 25.10.2018, Annexure P-18, due from 26.11.1985, amounting to Rs.4,15,823/- *albeit* without any interest thereon.

4. Though, learned State counsel being at loss of words to justify the above, yet endeavoured to make a submission of interest not being payable as it is only applicable in cases, where retiral dues were released after a delay.

5. There is no denying the fact that the entitlement to receive the arrears by the petitioner dated back to the orders passed while his case was taken up in

review in the year 2012, but it having been released in 2018 with no ostensible

reason forthcoming, the respondents having deprived the petitioner of an amount, are liable to shell out interest, which would be compensatory in nature, as they unjustly enriched themselves of it.

6.           On anvil of the aforesaid, the present petitions are disposed of directing the respondents to pay interest at the rate of 6% per annum on the arrears released to the petitioners from the date, they fell due till the date of its realization in each petition. Needful be done within a period of two months from the date, a certified copy of the judgment is received by them.
7.           Pending applications, if any, also stand disposed of.
8.           A photocopy of this order be placed on the files of the connected cases.

April 25, 2024  
dinesh

(AMAN CHAUDHARY)  
JUDGE

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