IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

253 **CWP-1268-2023 (O&M)**
Date of Decision :09.04.2024

Kailash Chander Sharma **...Petitioner**

Versus

Principal Accountant General (A & E), Haryana and others **....Respondents**

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. G.S. Gopera, Advocate for the petitioner.

Mr. Pankaj Middha, Addl. A.G. Haryana.

Mr. I.S. Sidhu, Advocate for respondent No.1.

Mr. Nitin Gupta, Advocate for respondent No.4.

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<u>Harsimran Singh Sethi, J. (Oral)</u>

1. In the present petition, grievance of the petitioner is that the pension of the petitioner was stopped by the respondents and the same was released in October, 2022 hence, the petitioner is entitled for interest on the delayed release of the arrears pension to the petitioner.

2. It may be noticed that for the release of the pension, petitioner had filed CWP-3121-2022, which was decided by this Court on 16.05.2022 wherein, it was mentioned that petitioner had already submitted life certificate in the year 2019 but the respondents did not release his pension and the said certificate also expired in the year 2021. In the said writ petition, a direction was given to the petitioner to submit fresh life certificate with the respondent No.4-Bank and the respondents were directed to release

the pension of the petitioner.

3. Learned counsel for the petitioner submits that pension of the petitioner has not been released by respondent No.4, hence, the petitioner is entitled for the grant of interest at least from date the petitioner has submitted the life certificate in the year 2019 with the respondent No.4-Bank.

4. Learned counsel for the respondents submits that once, fresh life certificate was submitted by the petitioner in the year 2022 and in pursuance to which pension was released to him in the year October 2022, hence, claim of the petitioner for the grant of interest is not admissible and the same may kindly be rejected.

5. I have heard learned counsel for the parties and have gone through the record with their able assistance.

6. It is not a disputed fact that the petitioner is entitled for the release of the pension and due to the non-submission of the life certificate, pension of the petitioner was stopped in the year 2013. The petitioner has submitted the life certificate to the respondent No.4-Bank in the year 2019 but respondents failed to release the pension and even the arrears of pension. In the meanwhile, even the said life certificate of the petitioner submitted in the year 2019 got expired and it was under these circumstances, petitioner was directed to submit fresh life certificate after which, arrears of pension has been released to him.

7. Keeping in view the said fact, once the petitioner submitted the life certificate in 2019, it was obligatory upon the respondent No.4 to release the pension but respondent No.4 did not release the same due to

which prejudice has been caused to the petitioner hence, the petitioner is entitled for the grant of benefit of interest.

8. Even otherwise, a Coordinate Bench of this Court in the case of ***J.S. Cheema Vs. State of Haryana, 2014(13) RCR (Civil) 355*****,** 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."*

9. Keeping in view the above, petitioner is held entitled for the grant of interest from the date the petitioner had submitted life certificate in the year 2019 till actual payment has been made in October, 2022. Hence, arrears of pension which have been released to the petitioner, will carry interest @ 6% per annum as per the settled principle of law noticed hereinbefore.

10. Let the present order be complied with within a period of 08 weeks from the date of receipt of certified copy of this order.

11. In case respondent No.4-Bank is of the view that non-releasing of the pension to the petitioner was due to in action on the part of the administrative department, respondent No.4 will be at liberty to approach the department to re-

claim the interest, which has been allowed under the present order.

12. Present petition is allowed.

13. Civil miscellaneous application pending if any is also disposed of.

April 09, 2024 **(HARSIMRAN SINGH SETHI)**
aarti **JUDGE**

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