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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-4209-2021 (O&M)
Date of Decision: 12.08.2024

Gurdev Singh

....Petitioner(s)

Versus

State of Haryana and others

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Parveen Moudgil, Advocate, for the petitioner.

Ms. Rajni Gupta, Additional Advocate General, Haryana.

Ms. Mansi, Advocate, for
Mr. Padamkant Dwivedi, Advocate for respondent/Board.

JASGURPREET SINGH PURI, J. (Oral)

1. The present petition has been filed under Article 226 of the Constitution of India seeking issuance of a writ in the nature of *mandamus* directing the respondents to grant 12% interest on the delayed payment of Rs. 9,32,168/- from the date of passing of the order dated 14.05.2018 (Annexure P-1) passed in *CWP No.12062 of 2018* till making the payment i.e. from 14.05.2018 to 15.10.2019 being covered by the judgment dated 28.03.2019 (Annexure P-5) passed in *CWP No.8096 of 2014*, titled as '*Brij Lal Jindal Versus State of Punjab and others*'.



2. Learned counsel appearing on behalf of the petitioner submitted that the petitioner joined as Store Keeper on 18.01.1990 and thereafter, the post of Arrival Recorder/Care Taker/Clerk/Store Keeper was designated to a single post of Auction Recorder. He submitted that the petitioner was entitled for the grant of increment but the same was not granted to him because he did not pass the typing test and in this regard, he filed a writ petition bearing *CWP No.12062 of 2018*, titled as '*Gurdev Singh Versus State of Haryana and others*' praying for the grant of annual increment w.e.f. 01.01.1991 on completion of one year of satisfactory service. He submitted that other employees namely, Brij Lal Jindal and Bhajan Singh also filed similar writ petitions bearing CWP No.8096 of 2014 and CWP No. 19717 of 2016 which were allowed vide Annexure P-5 and it was directed that they were entitled for the grant of increment. He submitted that the petition bearing CWP No.12062 of 2018 which was filed by the petitioner was disposed of by a Co-ordinate Bench of this Court vide Annexure P-1 on 14.05.2018 with a direction to respondent No.2 to objectively consider the legal notice dated 12.03.2018 keeping in view the order dated 12.05.2018 and pass a speaking order. Thereafter, vide Annexure P-2 an order was passed on 07.10.2019 and the petitioner was granted an amount of Rs. 9,32,168/- vide Annexure P-3 on 16.10.2019 and the petitioner was granted all the benefits of increments right from the year 1990 and since there has been a delay in the payment of the same, he was entitled for the grant of interest thereupon.

3. On the other hand, learned counsel appearing on behalf of the respondent-Board while referring to the reply filed by the respondent-Board



submitted that the petitioner has filed the petition before this Court earlier in the year 2018 and immediately the benefit was granted to the petitioner vide Annexure P-3 by calculating all the increments. She referred to the preliminary objections raised in the reply in which it has been so stated that the respondent-Board has implemented the order dated 14.05.2018 passed in CWP No.12062 of 2018 vide order dated 26.09.2019 in true spirit and re-fixed the pay of the petitioner from 29.09.1990 to 01.07.2019 vide order dated 07.10.2019 and the same does not suffer from any infirmity. She submitted that all the benefits of increments right from the year 1990 have been granted to the petitioner and an amount of Rs. 9,32,168/- has been paid to the petitioner well within time and therefore, it is not a case where the petitioner was entitled for the grant of interest. She also submitted that the petitioner cannot claim interest on the delayed payment because of the reason that the petitioner did not choose to file a writ petition earlier and it was for first time that he had raised the claim when a legal notice was served and regarding which a direction was issued by a Coordinate Bench of this Court vide Annexure P-1 on 14.05.2018. She also submitted that the petitioner did not choose to file any writ petition and he has been granted benefit because the writ petitions filed by the aforesaid employees namely, Brij Lal Jindal and Bhajan Singh were allowed and therefore, there was no delay in the grant of the aforesaid benefits because the law itself was settled vide Annexure P-5.

4. I have heard the learned counsels for the parties.

5. It is a case where the claim of the petitioner is only for the grant of interest. However, a perusal of the reply which has been filed by the



respondent-Board would show that the respondents have therein stated that they rather re-fixed the entire pay of the petitioner right from the year 1990 and paid all the benefits to the petitioner. Para No.1 of the preliminary objection of the aforesaid reply is reproduced as under:-

“1. That the present petition has been filed before this Hon'ble Court seeking directions to answering respondents to grant 12% interest on the delayed payment of Rs. 9,32,168/- from the date of passing the order dated 14.05.2018 passed in CWP No.12062 of 2018 till making the payment i.e. from 15.05.2018 to 15.10.2019. At the very outset it is submitted that answering respondent has implemented the order dated 14.05.2018 passed by the Hon'ble High Court in CWP No.12062 of 2018 vide order dated 26.09.2019 in true spirit and re-fixed the pay of the petitioner from 29.09.1990 to 01.07.2019 vide order dated 07.10.2019 and the same does not suffer from any infirmity whatsoever. Thus the present petition seeking interest on such amount is liable to be dismissed.”

6. The petitioner for the first time filed a writ petition before this Court in the year 2018 and on 14.05.2018, it was directed that his legal notice dated 12.03.2018 be considered and decided by passing a speaking order and therefore, for the first time the petitioner raised the claim vide legal notice dated 12.03.2018. Benefit of all the increments has now been granted to the petitioner on 16.10.2019 and therefore, it cannot be said that there was any delay in the grant of the increments. This is also clear from the fact that some of the other co-employees had filed the writ petitions before this Court which were allowed by this Court vide Annexure P-5. Had the petitioner approached



this Court prior to the aforesaid and there would have been any delay on the part of the respondents, then the petitioner would certainly have been entitled for the grant of interest but here the petitioner for the first time had approached this Court on the basis of legal notice dated 12.03.2018 and benefit has been granted to him on 16.10.2019 and therefore, it cannot be said that there was any delay on the part of the respondents. Consequently, this Court is of the considered view that the petitioner is not entitled for the grant of interest.

7. Consequently, the present petition is dismissed.

12.08.2024

(JASGURPREET SINGH PURI)

rakesh

JUDGE

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