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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-4336-2021 (O&M)
Date of decision: 27.09.2024

Rajender Parsad

...Petitioner

VERSUS

Haryana Vidyut Prasaran Nigam Limited and another

...Respondents

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

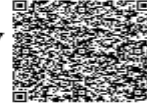
Present:- Mr. B.K. Bagri, Advocate, for the petitioner.

Ms. Sehej Sandhawalia, Advocate, for the respondents.

JASGURPREET SINGH PURI, J. (Oral)

1. The present petition has been filed under Articles 226/227 of the Constitution of India seeking issuance of a writ in the nature of *mandamus* directing the respondents to count the daily wage services followed by regular service of the petitioner for the purpose of granting retiral benefits alongwith interest.

2. At the outset, learned counsel appearing on behalf of the respondents submitted that during the pendency of the present petition, the grievance of the petitioner has been redressed and daily wage service period of the petitioner from 13.03.1982 to 01.10.1992 has been duly counted as qualifying service towards pensionary benefits vide order dated 15.04.2021 and



the payments have also been released to him on 05.09.2022. She submitted that in view of the aforesaid factual position as so stated in the reply and the payment being made, the present petition may be disposed of as having become infructuous.

2. Learned counsel appearing on behalf of the petitioner submitted that although the payments have been received but the petitioner is also entitled for interest on the aforesaid payments in view of the fact that even as per the reply which has been filed by the respondents it has been so stated that the period of daily wages service has been counted in view of the instructions issued by the Government dated 07.02.2014, whereas the petitioner retired in the year 2018 which is much after that and at that point of time the instructions were in operation. He submitted that once the respondents themselves admitted that the instructions are applicable to the petitioner, they should have done the needful immediately at the time of the retirement of the petitioner and therefore, he is entitled for the grant of interest.

3. After hearing the learned counsel for the parties, this Court is of the considered view that since during the pendency of the present petition, the daily wages service of the petitioner has been counted for pensionary benefits and the payments have been made to the petitioner but it has been done with a delay and the time when the petitioner retired in the year 2018, the instructions of the Government dated 07.02.2014 were in operation as per the reply and therefore, the petitioner would certainly be entitled for the grant of interest @ 6% per annum (simple).

4. Consequently, the present petition is partly allowed. The respondents are directed to calculate the interest @ 6% per annum (simple) on



the aforesaid payments being made from the date of retirement till the date of actual disbursement and to pay the same to the petitioner within a period of four months from today.

(JASGURPREET SINGH PURI)
JUDGE

27.09.2024
rakesh

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