207 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-12925-1999 (O&M)
Date of Decision : 22-07-2024

JASPAL SINGH ....**Petitioner**

VERSUS

STATE OF PB. ....**Respondent(s)**

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Ms Alka Chatrath, Advocate with
Ms. Neha Singh, Advocate
for the petitioner.

Mr. T.P.S. Chawla, Sr. DAG Punjab.

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HARSIMRAN SINGH SETHI, J. (Oral)

Learned counsel for the petitioner submits that the petitioner who is challenging the order of removal from service but as, 26 years have passed since filing of the present petition, the same be disposed of as having been not pressed any further, however the salary of the petitioner, for which he had already worked from 01.02.1999 to 26.08.1999 to be released.

Learned State counsel submits that once the appointment of the petitioner was invalid, the claim of salary by the petitioner is not maintainable.

I have heard learned counsel for the parties and have through the records of the present case with their able assistance.

Once, the respondents issued the petitioner appointment order in pursuance to which, the petitioner discharged the duties from 01.02.1999 to 26.08.1999, the respondents cannot escape the liability to pay the petitioner for the period he had discharged the duties for the State of Punjab.

As the salary amount of the petitioner has been retained by the respondents for the last 26 years and the petitioner was forced to litigate with the department so as to claim the entitled relief hence, keeping in view of the judgment of the Coordinate Bench of this Court in ***J.S. Cheema Vs. State of Haryana, 2014(13) RCR (Civil) 355***, wherein it has been held that an employee will be entitled for the interest on an amount which has been retained by the respondents without any valid justification, the petitioner is also entitled for interest. 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.*"

It is a settled principle of law that once in pursuance of the appointment order, the employee becomes entitled for the salary for the period he/she has served the State hence, merely that the petitioner was removed from service will not be a ground to deny the petitioner the salary for the period he had actually discharged the duties of the past.

Keeping in view of the above, the respondents are directed to release the salary of the petitioner from 01.02.1999 to 26.08.1999 within a period of eight weeks from the receipt of certified copy of this order. The petitioner will also be entitled for the interest @ 6% per annum from the date the salary becomes due till the actual date of release of salary.

In view of the above, the present petition is disposed of.

Ordered accordingly.

Pending application, if any, also stand disposed off.

22-07-2024
Sapna Goyal

(HARSIMRAN SINGH SETHI)
JUDGE

NOTE: Whether speaking: YES/NO
Whether reportable: YES/NO