

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CWP-21166-2020 (O&M)
Decided on : 16.02.2024

Dhoop Singh . . .Petitioner
Versus

State of Haryana and others . . . Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

PRESENT: None for the petitioner.

Mr. Harish Rathee, Sr. DAG, Haryana.

HARSIMRAN SINGH SETHI , J. (Oral)

1. In the present petition, the grievance of the petitioner is that he has not been paid his salary by the respondents-department despite the fact that he has discharged his duty on the post of Naib Tehsildar with the respondents-department.

2. Learned counsel for the respondents-State submits that the payment of salary to the petitioner is to be made by the HUDA keeping in view the terms and conditions of the appointment of the petitioner and as per the instructions received from Mr. Rinku Singla, Section Officer o/o Administration HUDA, Panchkula, the department is in process of determining the fact as to for which period the salary of the petitioner is yet to be paid and the said candidate will be finalized soon and whatever the petitioner is found entitled for, the same will be released to the petitioner within a period of **two months** from the date of receipt of certified copy of this order

3. No one has appeared on behalf of the petitioner to press the present petition.

4. Keeping in view the fact that the respondents have already

undertaken to grant the petitioner the benefit of salary in case, the same is admissible to him, they are directed to conclude the consideration on the said aspect within a period of 02 months from the receipt of the copy of this order and release all the benefits for which the petitioner is entitled for, on the conclusion of the consideration of the claim of the petitioner including his salary for the period he has discharged his duty on the post of Naib Tehsildar with the respondents-department.

5. As the salary for a period started from the year 2012 to 2015 is being claimed and nine years have elapsed since then, it is made clear that whatever the salary the petitioner is found entitled for, the same will be released with interest @ 6% per annum from the date of the salary become due till the actual payment of the said salary to the petitioner keeping in view the judgment of a Coordinate Bench of this Court in of **J.S. Cheema Vs. State of Haryana, 2014(13) RCR (Civil) 355**, wherein it has been 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.”*

6. The present petition is allowed in above terms.
7. Pending civil miscellaneous application, if any, shall also stand disposed of.

(HARSIMRAN SINGH SETHI)
JUDGE

16.02.2024
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Whether speaking/reasoned: Yes/~~No~~
Whether Reportable: ~~Yes~~/No