



**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

220

CWP-17402-2021 (O&M)

Date of decision: 29.05.2024

Harish Chander and another

...Petitioners

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

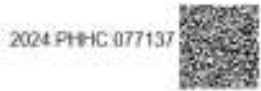
Present : Mr. Rakesh Sobti, Advocate for the petitioners

Mr. Satnam Preet Singh, DAG Punjab

AMAN CHAUDHARY. J. (ORAL)

1. The prayer made by the petitioners is for quashing the order dated 03.08.2021, whereby the case of the petitioners for interest @ 18% on delayed payments of arrears of salary has been rejected.

2. Learned counsel would contend that the petitioners joined services as Class-IV employees on 07.10.1976 and 21.06.1974 respectively, on regular basis and were allotted seniority Nos.240 and 105 respectively, in the year 1999. They having become eligible for promotion, on completion of 5 years of service, to Class-III posts on 07.10.1981 and 21.06.1979 respectively, were promoted on 07.10.2004 and 06.05.1997. However, their juniors, Surinder Pal, Kewal Krishan etc., among others, got promoted, vide order dated 23.10.2003, w.e.f. 26.11.1985, with all consequential benefits, in implementation of the common judgment disposing of four writ petitions, with the lead case being CWP-7586-1999. A string of litigation ensuing therefrom including CWP-3736-1986, as also COCP-86-2012, culminating from different petitions, stood decided on 17.02.2012. Only thereafter, having been pushed to the wall, the respondents granted promotions to the petitioners and others similarly situated, vide order



dated 08.10.2012, w.e.f. 26.11.1985. Be that as it may, still the petitioners were made to knock the doors of Court yet again by filing CWP-18253 & 18452-2013, the order in which having been passed along with a batch of petitions being led by CWP-1839-2013, that the actual benefits of arrears were ordered to be released vide order dated 19.12.2018, Annexure P-2, due from 26.11.1985, amounting to Rs.2,34,956/- & Rs.2,43,197/- respectively, *albeit* without any interest thereon, which was later denied to them vide the impugned order.

3. Learned State counsel, though being at loss of words to justify the above, nonetheless, endeavoured to make a submission of interest not being payable, as it is only applicable in cases where retiral dues are released after a delay.

4. It is an admitted fact that the entitlement to receive the arrears by the petitioners dated back to the orders passed in 2012, when their case was taken up in review, but by releasing it in 2018, without any ostensible reason forthcoming, the respondents deprived the petitioners of an amount, for which they are liable to shell out interest, being compensatory in nature, as they unjustly enriched themselves of it.

5. As a consequence of the aforesaid and a fall out thereof, the impugned order dated 03.08.2021 is thereby set aside. The present petition is disposed of directing the respondents to pay interest at the rate of 6% per annum on the arrears released to the petitioners from the date they fell due till the date of its realization. Needful be done within a period of two months from the date, a certified copy of the judgment is received by them.

(AMAN CHAUDHARY)
JUDGE

29.05.2024

M.Kamra

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