

**CWP-16708-2020****1**

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

(242)**CWP-16708-2020****Date of Decision : November 28, 2024****Shiv Kumar****.. Petitioner**

Versus

State of Punjab and others**.. Respondents****CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI**

Present: Mr. Aakash Rana, Advocate, for
Mr. Sandeep Kumar, Advocate, for the petitioner.

Mr. Amarpreet Singh Bains, Assistant Advocate General,
Punjab.

HARSIMRAN SINGH SETHI J. (ORAL)

1. In the present writ petition, the grievance of the petitioner is that his salary starting from the March 2019 was only paid in July 2020 hence, the petitioner is entitled for interest on the arrears of salary which was released in July 2020.

2. Learned State counsel submits that keeping in view the reply filed, there was a merger of the Department and during the modalities were being finalized, the salary could not be released hence, there is no intentional delay but only a procedural delay hence, the interest being claimed by the petitioner may kindly be rejected.



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3. I have heard learned counsel for the parties and have gone through the record with their able assistance.

4. Once, an employee was working, he/she was entitled for the salary immediately. Merely that two Departments were being merged, is no ground to deny the salary. An employee in order to live dignified life, has to be paid remuneration which was delayed by the respondents in the facts and circumstances of the present case.

5. Further, a Coordinate Bench of this Court in ***J.S. Cheema Vs. State of Haryana, 2014(13) RCR (Civil) 355***, had 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 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. In the present case, once the salary belonging to the petitioner, was retained and used by the Department and that too without any valid justification, the respondents are liable to pay the interest on the arrears of salary, which were released to the petitioner in July 2020.

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7. Keeping in view the above, the petitioner is held entitled for interest @ 6% per annum on the arrears of salary from March 2019 onwards till the actual release of the salary. Let the interest admissible to the petitioner be calculated within a period of eight weeks of the receipt of copy of this order and be released to him.

8. The present writ petition is disposed of in above terms.

November 28, 2024*harsha***(HARSIMRAN SINGH SETHI)****JUDGE**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No