

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

CWP-21331-2015

Date of Decision: 07.03.2024

SURINDER KUMAR MITTAL

...Petitioner

Vs.

ACCOUNTANT GENERAL HARYANA AND ANR.

...Respondents

CORAM:- HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Surender Dhull, Advocate for the petitioner.

Mr. Vibha Tewari, AAG, Haryana.

HARSIMRAN SINGH SETHI, J. (Oral)

1. In the present petition, the grievance of the petitioner is that the petitioner retired from service on 20.04.2003 but, his GPF was only sanctioned and released on 29.01.2016 and the same was only deposited by the concerned authorities in the Bank of the petitioner on 03.02.2016. The petitioner is claiming interest on the delayed release of GPF amount of Rs.94,209/-.

2. Learned counsel for the respondent on the other hand submits that keeping in view the affidavit of Sanjeev Kumar, Deputy Director, Directorate of Employment, Haryana dated 12.01.2024, as the petitioner retired on 20.04.2003 and the final payment of GPF became due to him on 21.04.2003, only interest for 06 months period subsequent to the entitlement of the amount could be paid keeping in view the rules governing the service hence, no interest can be paid to the petitioner beyond the year 2003.

3. I have heard counsel for the parties and have gone through the

record with their able assistance.

4. It is a conceded position as per the affidavit dated 12.01.2024 that the GPF amount was only sanctioned to be released on 29.01.2016 which was deposited in the Bank account of the petitioner on 03.02.2016. Once, the amount became due and the respondents did not release the same, the petitioner becomes entitled for the grant of interest on the said delayed release of GPF amount.

5. Respondents are only denying the benefit of interest to the petitioner on the ground that after the petitioner retired on 20.04.2003, the interest can only be paid upto a period of 06 months from the date of entitlement and not beyond that. The said ground cannot be accepted especially once, the amount of Rs.94,209/- was retained by the respondents without there being any impediment and was only sanctioned on 29.01.2016 to be deposited in the account on 03.02.2016. Once, the amount has been retained by the respondents without there being any impediment the respondents are under obligation to release the amount with interest to the petitioner as well.

6. The grant of interest has already been settled by 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 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.”

7. In the present case, the amount which became due to the employee on 21.04.2003 was only sanctioned on 29.01.2016 and released in the account of the employee on 03.02.2016 hence, as per the judgment of **J.S. Cheema's case (supra)** the petitioner is entitled for interest on the amount of Rs.94,209/- upto 03.02.2016 and not only upto the year 2003.

8. Let the respondents release the interest upon the payment of Rs.94,209/- from 21.04.2003 upto the actual date of payment @ 6% per annum. The interest already paid on the said amount for a period of six months be deducted/adjusted while making the payment under this order.

9. Let the order be complied with, within a period of 08 weeks from the receipt of the certified copy of this order.

10. The present petition is disposed of in above terms.

(HARSIMRAN SINGH SETHI)
(JUDGE)

07.03.2024

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