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

(225) **CWP No. 18517 of 2020**
Date of Decision : 09.05.2024

Hoshiar Singh

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Shubham Saroha, Advocate for the petitioner.

Mr. Harish Rathee, Sr. Deputy Advocate General, Haryana.

Mr. I.S. Sidhu, Advocate for respondent No. 2.

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Harsimran Singh Sethi J. (Oral)

1. In the present petition, the grievance of the petitioner is that his pension was not being revised from ₹33,590/- to ₹34,000/- and has also not been paid the LTC for the block year 01.01.2016 to 31.12.2019.

2. Learned counsel for the petitioner submits that during the pendency of the present petition, the petitioner has already been granted the said benefit and only question which remains to be decided qua the interest on the arrears, which have been paid to the petitioner on account of the revision of the pension as well as release of the LTC in question.

3. Learned counsel for the respondents, on the other hand, submits that once the said benefits have already been released to the petitioner, the prayer for the grant of interest may kindly be declined.

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

5. Once, it is a conceded fact that the claim of the petitioner for the grant of benefit of LTC as well as revised pension has been accepted and arrears have also been extended to the petitioner, it can be safely said that the petitioner was entitled for the said benefits, which were not released by the respondents on the due date.

6. As per the judgment of a Coordinate Bench of this Court in ***J.S. Cheema Vs. State of Haryana, 2014(13) RCR (Civil) 355***, any amount belonging to an employee is retained by the department, the interest has to be paid. 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 on account of the release of the LTC and the revised pension was kept by the respondents and used for their own benefit, hence, the petitioner will be entitled for interest.

8. Accordingly, the petitioner is held entitled for interest @ 6% per annum from the date the amount of LTC as well as the revised pension became due till the same was actually released in favour of the petitioner. Let the respondents calculate the amount of interest @ 6% per annum, which the petitioner becomes entitled under the present order and be released within a period of eight weeks from the date of receipt of copy of this order.

9. Petition is disposed of in above terms.

May 09, 2024 **(HARSIMRAN SINGH SETHI)**
kanchan **JUDGE**

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