

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

Date of Decision : 06-08-2024

.....Petitioner

STATE OF PUNJAB AND ORS

.....Respondent(s)

Present: Mr. Abhishek Sahu, Advocate
for Mr. B.S Bhalla, Advocate
for the petitioner.

Mr. Charanpreet Singh, AAG Punjab.

HARSIMRAN SINGH SETHI, J. (Oral)

In the present petition, the grievance of the petitioner is that the benefit of the revised pay scale, which became effective from 01.01.2006 was not being granted to the father of the petitioner though the father of the petitioner retired on 30.04.2006. The further prayer is that the revised pensionary benefits were also to be released which were not been granted.

During the hearing, the learned counsel for the petitioner submits that though, the benefits in terms of the revised pay scale have already been granted but as the same have been granted after a delay, the petitioner is entitled for interest on the said delayed payment.

Learned State counsel submits that once the arrears have already been released for which the father of the petitioner was entitled to, no benefit or interest may kindly be granted in favour of the petitioner.

I have heard learned counsel for the parties and have gone through the records of the present case with their able assistance.

As per the facts mentioned, the father of the petitioner retired from service on 30.04.2006. Thereafter, in the year 2009 w.e.f 01.01.2006, the revised pay rules were made effective and the pay scale of the post on which the father of the petitioner was working was also enhanced hence, the father of the petitioner be also entitled for arrears on account of higher salary from 01.01.2006 to 30.04.2006 and thereafter, was entitled for recomputing of pensionary benefits in view of the higher pay scale which the father of the petitioner would have drawn at the time of retirement on 30.04.2006. Once, the benefits were admissible, the respondents should have released within a reasonable time but the same were only released after the petitioner approached this Court.

As per the judgment of the 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.”

Keeping in view the fact that the amount which has been ultimately been released to the petitioner was retained by the Department, the petitioner becomes entitled for the grant of interest @ 6% per annum from the date the arrears, which have been paid to the father of the petitioner on account of the revised pay scale and the revised pensionary benefits, when becomes due till the actual payment of the same.

Let the amount of interest for which the father of the petitioner is entitled for be calculated and released to the father of the petitioner within a period of 8 weeks from the receipt of copy of this order.

Present petition is disposed of in above terms.

Pending application, if any, also stand disposed off.

06-08-2024
Sapna Goyal

(HARSIMRAN SINGH SETHI)
JUDGE

NOTE: Whether speaking: YES/NO
 Whether reportable: YES/NO