

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

243

CWP-19366-2020

Date of Decision :13.03.2024

Chatter Singh and others

...Petitioners

Versus

State of Haryana and another

....Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. HPS Bhinder, Advocate for the petitioners.

Mr. Tapan Yadav, DAG, Haryana.

Mr. Krishna Maurya, Advocate for
Mr. Balwinder Sangwan, Advocate for respondent No.2.

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Harsimran Singh Sethi, J. (Oral)

1. In the present petition, grievance being raised by the petitioners is that they are entitled for the grant of interest on the delayed release of financial benefits including arrears of salary and pensionary benefits which has not been granted by the respondents, such act on the part of respondents is totally illegal and arbitrary.

2. As per the petitioners, the petitioners were appointed as member of the Haryana Public Service Commission in the year 2004 and retired in the year 2010. As per the petitioners, arrears of salary/pensionary benefits were released to the petitioners after much delay, which delay was attributable to the respondents hence, as per the settled principle of law,

petitioners are entitled for the grant of interest on the said delayed release of salary/pensionary benefits.

3. Learned counsel for the respondents on the other hand submits that though, some of the financial benefits were already released to the petitioners after the delay but as the present petition has been filed after more than 05 years of the said payment, the said benefit of interest was rightly rejected being a time barred.

4. In reply, the respondents have conceded that similarly situated employees, who had filed CWP-21959-2015 have already been granted the said benefit of interest by this Court vide order dated 13.02.2020.

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

6. It is a conceded position that certain financial benefits were released to the petitioners after their retirement, which also includes arrears of salary and pensionary benefits. It is also conceded position before this Court that qua other similarly situated employees, whose salary/pensionary benefits were also delayed, who had filed CWP-21959-2015, this Court had already granted the benefit of interest on the said delayed release of the financial benefits vide order dated 13.02.2020. Once, the benefit of interest has already been extended to the similarly situated employees by this Court, the same cannot be denied to the petitioners.

7. The only argument which has been raised by the learned counsel for the respondents is that the present petition has been filed after the five years of the payment hence, the same is liable to be rejected.

8. It may be noticed that respondent-State is a welfare State and

once, this Court in the case of similarly situated employees had already allowed the benefit of interest on the delayed release of salary/financial benefits, the respondents should have extended the said benefit to the petitioners themselves keeping in view the settled principle of law settled by the Division Bench of this Court in **CWP No. 4382 of 2002 decided on 21.03.2002, titled as, Satbir Singh Vs. State of Haryana** wherein, it has been held that in case a question of law is settled by the Court, all the similarly situated persons must be extended the said benefit without forcing them to approach the Court. Relevant paragraph of the judgment is as under:-

*“11. State has pervasive obligations to discharge in relation to maintaining its expected standards of employer employee relationship. As already noticed, one of the important facets of such obligations is to be reasonable and fair in granting service benefit to its employees in accordance with service rules and the principles enunciated on pronouncement of judgments by the Courts. When judgments attain finality to which the State is a party, duty is casted upon the State to grant relief to its employees who are similarly situated and on identical facts. Benefit of such approach are many and it causes no disadvantage to the interests of the State. It is not necessary for the State to require each one of its employees to approach the Courts of law for grant of a relief which the State ought to grant to the employees in normal course of its administration, particularly, the cases of the kind afore-referred. Such principles is well known and accepted for years now. By referring to few judgments we would only predicate the principle with greater emphasis of its application in the day-to-day affairs of the State. In the case of **Dr.(Mrs.) Santosh Kumari v. Union of India and others, JT 1994(7) SC***

565: 1995 (1) SCT 527 (SC) the Hon'ble Apex Court held as under:-

“The allotment of seats should go according to merit. It does not depend upon who comes to Court and who does not. The matter is one of principle and should not depend upon who comes to the Court. A more deserving candidate may not have the means of approach the Court”.

9. Keeping in view the facts and circumstances recorded hereinbefore, present petition is allowed. The respondents are directed to grant the benefit of interest on the delayed release of the financial benefits which includes salary/pensionary benefits to the petitioners, as granted to the similarly situated employees by this Court in **CWP-21959-2015 titled as Om Parkash vs. State of Haryana and another decided on 13.02.2020** (Annexure P/2).

10. Let the order be complied within a period of 08 weeks of the receipt of the copy of this order.

March 13, 2024
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(HARSIMRAN SINGH SETHI)
JUDGE

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