

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CWP-5954-2016

Decided on : January 29, 2024

BRIJ BHUSHAN & OTHERS

..... Petitioners

Versus

PUNJAB AGRO INDUSTRIES CORPORATION LIMITED & ANOTHER

..... Respondent

CWP-2779-2020

GURTEJ SINGH & OTHERS

..... Petitioners

Versus

PUNJAB AGRO INDUSTRIES CORPORATION LIMITED & ANOTHER

..... Respondent

CORAM : HON'BLE MR. JUSTICE NAMIT KUMAR

Present: Mr. Amit Sharma, Advocate
for the petitioners.

Mr. Karan Singla, Advocate for the respondent.

NAMIT KUMAR, J. (Oral)

1. This Judgement shall disposed of CWP Nos. 5954 of 2016 & 2779 of 2020 as common question of facts and law are involved therein. For the sake of convenience, facts are taken from CWP No.5954 of 2016.
2. The petitioners, who are working as Fertilizer Clerks in Punjab Agro Industries Corporation Ltd., have approached this Court by way of filing instant petition impugning the order dated 27.11.2014/02.12.2014 (Annexure P-9), whereby the petitioners were denied the arrears for the period from 01.12.2011 to 30.09.2014 on account of their revision of pay scale w.e.f. 01.12.2011.

3. After issuance of notice of motion, reply dated 21.08.2019 was filed on behalf of respondent no.1 and thereafter alongwith CM-19721-CWP-2023, office order dated 20.11.2023 has been placed on record, wherein the claim of the petitioners has been accepted and arrears from 01.12.2011 to 30.09.2014 have been approved and it has further been stated that the same will be released in six monthly installments.

4. Since, there was no reference of any interest in the above said order dated 20.11.2023, therefore, additional affidavit dated 21.12.2023 has been filed by the Managing Director, Punjab Agro Industries Corporation Ltd., wherein it has been stated that the Corporation is ready and willing to pay interest to the petitioners on delayed payment of arrears at current bank rate, keeping in view the poor financial position of the Corporation.

5. Learned counsel for the petitioners submits that although the relief claimed in the present petition has been granted to the petitioners, except the interest part, for which the Corporation has undertaken to pay at the current bank rate, which is very meagre and they are entitled for higher rate of interest. In support of his contention, learned counsel for the petitioners has placed reliance upon the Judgement dated 08.02.2021 passed by the Hon'ble Supreme Court in Civil Appeal No.399 of 2021 (Arising out of SLP (C) No.12553 of 2020) case titled as **'The State of Andhra Pradesh and another versus Smt. Dinavahi Lakshmi Kameswari'**.

6. I have perused the above said Judgement and the same would not be applicable to the facts and circumstances of the present case, as in the said case the dispute was with regard to non-payment of salaries and pensions to the aggrieved employees, regarding which initially a Public Interest Litigation, was filed before High Court of Andhra Pradesh and the High Court vide Judgement

dated 11.08.2020 directed to release the said benefits alongwith 12% rate of interest and thereafter, said Judgement dated 11.08.2020 was challenged before the Hon'ble Supreme Court and the Hon'ble Apex Court vide Judgement dated 08.02.2021 passed in the above referred case of 'The State of Andhra Pradesh and another versus Smt. Dinavahi Lakshmi Kameswari' (Supra) ordered to modify the interest part by reducing the same from 12 % to 6 % per annum.

7. The present case does not relate to the salaries and pensions of the petitioners, however, they are aggrieved against the action of the respondents in delaying the payments of arrears on account of revision of their pay scales and the respondents have stated in an affidavit that they are ready to compensate the petitioners with current bank rate of interest.

8. Since, the relief claimed in the present petition has already been granted to the petitioners, therefore, no further orders are required in the present petition.

9. Disposed of in the above terms.

January 29, 2024
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(NAMIT KUMAR)
JUDGE

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