



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

CWP-18219-2024 (O&M)

Date of Decision : 02-08-2024

.....Petitioner

VERSUS

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Lovish Arora, Advocate
for the petitioner.

Mr. Charanpreet Singh, AAG Punjab.

HARSIMRAN SINGH SETHI, J. (Oral)

In the present petition, the grievance raised by the petitioner is that the petitioner was not given his retiral dues as required under law and petitioner approached this Court by filing Writ Petition No.27845 of 2022, which was disposed of by this Court vide order dated 05.12.2022 (Annexure P-1) directing the respondents to consider the claim of the petitioner and pass an appropriate speaking order and now, though, the retiral benefits of the petitioner have been given and arrears have also been released but no interest has been paid on the arrears which is causing prejudice to the petitioner.

Learned counsel for the petitioner argues that as per the judgment of Coordinate Bench of this Court in *J.S. Cheema Vs. State of*

Haryana, 2014(13) RCR (Civil) 355, it had been 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.”

Learned counsel for the petitioner submits that the grievance of the petitioner has already been raised in the representation dated 30.05.2024, copy of which has been appended as Annexure P-3 and the petitioner would be satisfied at this stage, if the said representation is decided by passing an appropriate speaking order.

Notice of motion.

Mr. Charanpreet Singh, AAG Punjab appears and accepts notice on behalf of the respondent-State and submits that, the representation dated 30.05.2024 appended as Annexure P-3 will be decided by the concerned authority within a period of eight weeks from the date of receipt of certified copy of the order by passing an appropriate speaking order. Learned State counsel further submits that in case, it is found feasible to accept the claim of the petitioner, the same will be accepted, otherwise due reasons will be

mentioned for not accepting the claim of the petitioner in the speaking order to be passed which will be conveyed to him.

Learned counsel for the petitioner submits that keeping in view the statement of the learned State counsel, present petition may kindly be disposed of as having been not pressed any further.

Ordered accordingly.

Pending application, if any, also stand disposed off.

02-08-2024
Sapna Goyal

(HARSIMRAN SINGH SETHI)
JUDGE

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