

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

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CWP-20329-2022 (O&M)

Date of decision:09.02.2024

Sucha Singh

...Petitioner

Vs.

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY**Present:** Mr. Himanshu Chhabra, Advocate for the petitioner.

Ms. Shivani Sharma, DAG, Punjab.

AMAN CHAUDHARY, J.

1. Prayer in the writ petition is for issuance of direction to the respondents to pay interest for the delay in release of arrears granted on notional promotion.

2. Learned counsel would submit that the petitioner had joined service on 08.01.1980, as Class IV employee. Though he was eligible for promotion after 5 years of service as Senior Lab Attendant but the same was not granted and instead his juniors were promoted w.e.f. 26.11.1985, vide order dated 08.10.2012. On a representation, the Department reviewed the case of the petitioner and granted promotion to him w.e.f. 26.11.1985, from the date of his juniors, with all consequential benefits, which on not being released, he had no option but to file CWP-21229 of 2021. It was only upon a direction issued therein while disposing the same on 14.10.2021, to consider his legal notice, that he was released the arrears of pay amounting to Rs.4,16,778/- for the period w.e.f. 26.11.1985 to 7.10.2012, by passing an order dated 19.05.2022, but no interest was paid thereon.

3. Per contra, learned State counsel submits that the amount has already been released, no interest is payable, and even otherwise, the same amount was

not due as retiral benefits and it is only on delayed payment thereof, that there can be an entitlement to grant of interest.

4. Heard learned counsel on either side.
5. Incontrovertibly, the petitioner was promoted vide order dated 08.10.2012, w.e.f. the date his juniors had been promoted but he was wrongly ignored at that time. However, still he was not released the consequential benefits including arrears of pay w.e.f. 26.11.1985, which ought to have been. His innumerable representations and reminders dated 18.11.2011, 03.07.2013, 19.09.2015, 13.12.2015, 08.04.2019 as also legal notice served thereafter, was of no avail. Resultantly, he was constrained to knock the doors of this Court by filing CWP-21229-2021, which was disposed of on 14.10.2021. It is only thereupon, that the amount was released.
6. There appears to be no doubt of there being an enormous and inordinate delay in releasing the arrears that were to be paid to the petitioner way back in the year 2012, for which no ostensible reason has forthcome. He is therefore entitled to grant of interest, which is not penal in nature but compensatory, having been deprived of an amount, with which the respondents unjustly enriched themselves.
7. Considering the peculiarity of the facts and circumstances, the present petition deserves to be and is hereby allowed. The respondents are directed to pay interest at the rate of 6% per annum on the arrears released to the petitioner from the date, they fell due i.e. 2012 till the date of its realization. Needful be done within three weeks.

February 09, 2024

geeta /hemant

(AMAN CHAUDHARY)
JUDGE

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No