

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

108

CM-6021 of 2024 in/and
CWP-23846 of 2022
Date of Decision:02.05.2024

Ram Shah Bhumbra

....Petitioner

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present: Mr. Jaideep Verma, Advocate,
for the applicant-petitioner.

Mr. Amarpreet Singh Bains, AAG, Punjab

AMAN CHAUDHARY J. (Oral)

CM-6021 of 2024

For the reasons mentioned in the application, the same stands
allowed and the main case is ordered to be taken on Board today itself.

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 07.05.1979, as Class IV employee in Education Department.
Though he was eligible for promotion after 5 years of service as Senior Lab
Attendant/Library Restorer/Clerk 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-21438 of 2021. It was only upon a direction issued therein while disposing the same on 25.10.2021, 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, *albeit* without any interest thereon.

3. Per contra, learned State counsel submits that as the amount already stands released, upon a direction of this Court, no interest is payable, and even otherwise, the same not being on account of retiral benefits, there can be no entitlement to interest.

4. Heard.

5. Incontrovertibly, the petitioner was promoted vide order dated 08.10.2012, w.e.f. the date that of his juniors but was ignored at that time for reasons of which, learned State counsel was at loss of words. Be that as it may, still the consequential benefits including arrears of pay w.e.f. 26.11.1985, were not released. 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, failed to evoke any response. Constrained, he knocked the doors of this Court yet again by filing CWP-21438-2021, which was disposed of on 25.10.2021. It is only thereupon, that

too still after more than seven months thereof, that the amount was released, which though the petitioner became entitled from the date his promotion was affected, for the delay whereof, the department was blameworthy.

6. There is no doubt of there being a colossal inordinate delay in release of the arrears that the petitioner ought to have received way back in the year 2012, for which no ostensible reason has forthcome. He is therefore entitled to grant of compensating interest, is not penal in nature, having been deprived of the 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 till the date of realization. Needful be done within two months.

(AMAN CHAUDHARY)
JUDGE

May 02, 2024
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Whether speaking	:	Yes/No
Whether reportable	:	Yes/No