



CWP-32357-2019

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

(247)

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Date of Decision : August 07, 2024

Nishant Kumar and another

.. Petitioners

Versus

State of Punjab and others

.. Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Sameer Sachdeva, Advocate, for the petitioners.

Mr. Swapan Shorey, Deputy Advocate General, Punjab.

HARSIMRAN SINGH SETHI J. (ORAL)

1. In the present writ petition, the grievance of the petitioners is that the petitioners are entitled for interest on the arrears of revised pay, which was revised w.e.f. 01.01.2006.

2. Learned counsel for the petitioners submits that the benefit of arrears was not being allowed by the respondents due to which, the petitioners have approached this Court by filing ***CWP No.1973 of 2016 titled as Nishant Kumar and others vs. State of Punjab and others, which was decided on 30.01.2018*** and the respondents were directed to release the revised arrears for the period 01.01.2006 to 31.07.2009. Learned counsel for the petitioners further submits that as the benefit of interest was not granted by the Court, CM-2360-CWP-2018 was filed, which was disposed of on 15.03.2018 with liberty to the petitioners to raise the claim for interest before the respondents. Learned counsel for the petitioners further submits that the claim raised has been rejected vide impugned order dated



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24.09.2019 (Annexure P-14).

3. Learned counsel for the petitioners submits that once the benefit of arrears have also been allowed in favour of other similarly situated employees by the Coordinate Bench of this Court while passing order in ***CWP No. 22868 of 2010 titled as Rajnish Kumar and others vs. State of Punjab and others, decided on 02.07.2012***, the petitioners are also entitled for the grant of the said benefits.

4. Learned State counsel, on the other hand, submits that the direction to pay the arrears was passed by the Coordinate Bench on 30.01.2018 and thereafter, the benefits have already been released and as there was no order to grant the interest, the petitioners cannot claim interest.

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

6. By a notification, which was issued in the year 2009, the pay scales were revised by the respondents w.e.f. 01.01.2006. On account of the revised pay scale, the employee become entitled for the arrears of revised pay, which has not been paid to the petitioners and they were forced to approach this Court to seek the said benefit, which was allowed by the Coordinate Bench of this Court while passing order in ***Nishant Kumar's case (supra)***. Thereafter, while passing order in CM-2360-CWP-2018, liberty was given to the petitioners to claim interest from the respondents, which benefit has been denied vide impugned order dated 24.09.2019 (Annexure P-14).

7. Apart from this, a Coordinate Bench of this Court in ***J.S. Cheema Vs. State of Haryana, 2014(13) RCR (Civil) 355***, had held that an

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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.”

8. In the present case, the arrears of revised pay were retained and used by the respondents and therefore, the petitioners are also entitled for interest.

9. Not only this, the Coordinate Bench of this Court in **Rajnish Kumar's case (supra)**, has also granted the interest on the arrears of pay starting from 01.01.2010. The said order has already been complied with.

10. Keeping in view the above, the petitioners are also held entitled for interest on the arrears of revised pay w.e.f. 01.01.2010 onwards till the actual payment @ 6% per annum. Let the order be complied with within a period of eight weeks of the receipt of copy of this order.

11. The present writ petition is disposed of in above terms.

August 07, 2024

harsha

(HARSIMRAN SINGH SETHI)**JUDGE**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No