

CWP No. 32182 of 2018

2024:PHHC:008909

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IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

(221)

CWP No. 32182 of 2018

Date of Decision : 23.01.2024

Vikram Singla

...Petitioner

Versus

State of Haryana and others

...Respondents

***CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI***

Present: Mr. Keshav Pratap Singh, Advocate for the petitioner.

Mr. Harish Rathee, Sr. Deputy Advocate General, Haryana.

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**Harsimran Singh Sethi J. (Oral)**

1. In the present petition, the claim of the petitioner is that his salary for the period he had discharged the duties since 16.08.2016, has not been released. The further prayer of the petitioner is for the grant of interest @ 18% per annum for the period his salary was withheld.

2. Learned counsel for the petitioner submits that during the pendency of the present petition, keeping in view the order passed by this Court, the salary admissible to the petitioner has been released but the interest has not been paid yet and that too without any valid justification.

3. Learned counsel for the respondents submits that once the payment due to the petitioner has already been released, question regarding grant of interest does not arise.

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

5. It is a conceded position that the respondents have now paid all the arrears of salary as admissible to the petitioner, which is clear from the compliance report filed in this Court by the respondents. As per the settled principle of law that any amount, which belongs to an employee and has been retained by the department, the employee becomes entitled for interest.

6. A Co-ordinate Bench of this Court while passing order in ***J.S. Cheema Vs. State of Haryana, 2014(13) RCR (Civil) 355***, had 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.”*

7. Keeping in view the above, the present petition is allowed. The petitioner is held entitled for interest @ 6% per annum from the date the amount became due till the actual release of the same. Let the respondents calculate the interest on the arrears, which have been paid to

the petitioner and decide the quantum of interest. Hence, the petitioner will become entitled for keeping in view the order passed in the present petition and the same will be released within a period of eight weeks from the date of the receipt of copy of this order.

8. Petition is allowed in above terms.

January 23<sup>rd</sup> 2024  
kanchan

(HARSIMRAN SINGH SETHI)  
JUDGE

*Whether speaking/reasoned : Yes/No*

*Whether reportable : Yes/No*