



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

CWP-25283-2023 (O&M)

Date of Decision: 24.10.2024

Nop Chand

.....Petitioner

Versus

Haryana State Warehousing Corporation and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present:- Mr. Vivek Sharma, Advocate for the petitioner.

Mr. Gaurav Jindal, Advocate for respondents.

JASGURPREET SINGH PURI J.(Oral)

1. The present petition has been filed under Articles 226/227 of the Constitution of India seeking issuance of a writ in the nature of *certiorari* for quashing the order dated 10.07.2023 (Annexure P-6) vide which the respondents have issued a recovery order without issuing any notice to the petitioner.

2. At the outset, both the learned counsels for the parties submitted that all the retiral benefits have been paid to the petitioner. Today, Mr. Gaurav Jindal, Advocate for respondents submitted that even the order dated 10.07.2023 (Annexure P-6) has been withdrawn on 23.10.2024.

3. Learned counsel for the petitioner submitted that now the subject matter remaining is the grant of interest to the petitioner on delayed payment of retiral benefits from the date of retirement i.e. 30.04.2015 till the date of actual disbursement and there is no justification for such delay and by

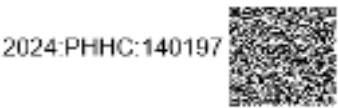


rectifying their own mistake, the respondents have now paid the amount of retiral benefits on 28.08.2024.

4. After hearing learned counsels for the parties and in view of the limited prayer which is now left with regard to the grant of interest on delayed payment of retiral benefits, this Court is of the considered view that considering the law laid down by Coordinate Bench of this Court in ***J.S. Cheema vs. State of Haryana & ors. 2014 (1) SCT 782***, the petitioner would be entitled for the grant of interest @ 6% per annum because the aforesaid amount was kept by respondent-Corporation and it has been used by them. The relevant portion of the judgment of Coordinate Bench of this Court passed in ***J.S. Cheema's*** case (supra) is reproduced as under:-

“In my opinion, even if the assertion made in the written statement is presumed to be correct it would not disentitle the petitioner for claiming interest. 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 laying 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. “

5. In view of the above, the petition is partly allowed. Respondents are directed to calculate the interest @ 6% per annum from the date of retirement plus two months till the date of actual disbursement and to pay to the petitioner @6% per annum (simple) within a period of three months from today.



6. In case the aforesaid amount is not paid to the petitioner within the aforesaid time period, then the petitioner shall be entitled for the future rate of interest @ 9% per annum (simple).

(JASGURPREET SINGH PURI)
JUDGE

24.10.2024
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Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No