

2025:PHHC:127206



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

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**CWP 13252 of 2018 (O&M)
Date of Decision: 09.09.2025**

Geeta Rani

...Petitioner

Versus

State of Punjab and others

... Respondents

CORAM : HON'BLE MR. JUSTICE N.S.SHEKHAWAT

Present : Mr. Sunny Singla, Advocate
for the petitioner.

Mr. Satnam Preet Singh Chouhan, DAG, Punjab.

Mr. Anupam Singla, Advocate
for respondent No. 2.

N.S.SHEKHAWAT, J. (Oral)

1. The petitioner has filed the present petition for issuance of a writ in the nature of *mandamus* directing the respondents to release the interest on the arrears of salary, which has been released to the petitioner vide memo dated 22.02.2018, as a benefit of regularization w.e.f. 28.08.2011.

2. Learned counsel for the petitioner contends that the respondent No. 2 had issued an advertisement inviting applications for recruitment of 1500 computers teachers on contractual basis and the petitioner was also appointed as computer teacher on a consolidated salary of Rs. 7000/- per month. On 02nd December 2010, the Government of Punjab issued a policy to regularize the services of

the computer teachers and it was also decided to grant them the pay scales equivalent to the vocational masters in the education department. Consequently, the services of several computer teachers, who had completed 2 ½ years of service as on 01.07.2011, were regularized in the pay scale of Rs. 10300-34800 + grade pay of Rs. 3800/-. Later on, in continuation of the earlier policy dated 02.12.2010, the respondents also issued another letter dated 05th July 2011, whereby, it was prescribed that w.e.f. 1st August 2011, after every four months, the services of such computer teachers, who had completed 2 ½ years service was also to be regularized. Since, the petitioner had joined duty on 28.02.2009, on completion of 2 ½ years of service on 28.08.2011, she submitted her case for regularization of her service. Ultimately, after several representations and reminders, the service of the petitioner was regularized w.e.f. 01.04.2012 vide order dated 03.05.2012 and was allowed to join on 30.05.2012 vide order annexure P-2.

3. The petitioner again represented to the respondent to regularize her services w.e.f. 28.08.2011 instead of 01.04.2012 and also to grant arrears of pay w.e.f. 28.08.2011 but the respondents did not take any action on the said representations. Ultimately, the petitioner was constrained to approach this Court by way of CWP No. 19145 of 2014 with a similar prayer and to release the arrears of pay @ 18% interest. The said writ petition was allowed by this Court vide

judgment dated 26.07.2017 and the following observations were made in the concluding part of the said writ petition:-

“The stand taken on behalf of the State cannot be construed as a valid basis for denying to the petitioner her vested right of being considered for regularization under the relevant policy i.e. memo dated 2.12.2010 (Annexure P-3). Right of the petitioner under memo dated 2.12.2010 (Annexure P-3) had crystalized on 28.8.2011 itself. Merely on account of certain administrative exigency/difficulty, if, the case of the petitioner was taken up in a subsequent batch, the same cannot defeat the right of the petitioner to claim regularization w.e.f. 28.8.2011 i.e. the date she had completed 2 ½ years satisfactory service as a Computer Teacher.

It would also be apposite to take note of the specific averment made in the petition that one Amit Gogna was granted the benefit of regularization on the date of completion of 2 ½ years service on contractual basis i.e. w.e.f. 15.8.2011. Such benefit was conferred in pursuance to the policy dated 2.12.2010 (Annexure P-3). Such assertion made by the petitioner has not been disputed by the respondent authorities in the written statement. The action of the respondent authorities in denying to the petitioner the benefit of regularization w.e.f. 28.8.2011 as such is held to be discriminatory and violative of Articles 14 and 16 of the Constitution of India.

For the reasons recorded above, the writ petition is allowed. Directions are issued to the respondent authorities/respondent no.2 to issue orders forthwith

treating the petitioner to be regularized w.e.f. 28.8.2011. Petitioner would also be entitled to all consequential benefits emanating from the date of regularization to be reckoned w.e.f. 28.8.2011.”

4. The respondent No.2 preferred one LPA 2015 of 2017 before this Court, which was also dismissed by this Court on 25.10.2017. Ultimately, in compliance of the judgments (Annexures P-3 and P-4), vide the order dated 09.11.2017 (Annexure P-5), the respondent No. 2 was granted the benefit of regularization to the petitioner, w.e.f., 28.08.2011 and vide memo dated 22.02.2018 (Annexure P-6), the amount of arrears of Rs.2,10,778/- was ordered to be paid to the petitioner. However, no interest was paid on the arrears of salary w.e.f. 28.08.2011 to 28.02.2018. Even, thereafter the petitioner had been continuously representing to the respondents to grant the interest on the amount of arrears for the above said period but no action was initiated by the respondents. He submits that the petitioner was entitled to be regularized w.e.f. 28.08.2011 and now ultimately her stand was found to be correct by this Court vide judgment dated 26.07.2017 (Annexure P-3) passed by this Court. Thus, the respondent No. 2 is liable to pay interest on the delayed payment of arrears of salary.

5. On the other hand, learned counsel for the respondent No. 2 has vehemently opposed the submissions made by the learned counsel for the petitioner on the ground that the petitioner had earlier

filed a CWP 19145 of 2014 before this Court and the following prayer were made in the said writ petition:-

“PETITION under Articles 226/227 of the Constitution of India for the issuance of a writ, order or directions especially in the nature of Mandamus directing the respondents to regularize the services of the petitioner w.e.f. 28.08.2011 Instead of 01.04.2012 i.e. the date she completed 22 years of service in view of the policy Instruction 02.12.2010 (Annexure P-3) and the letter dated 05.07.2011 (Annexure P-5) as has been done in the cases of similarly situated persons.

It is further prayed that after considering the date of regularization of the petitioner as 28.08.2011, she may be held entitled to the regular pay scale w.e.f. that date and the respondents be directed to pay all the arrears of salary with 18% interest also in view of the order dated 04.10.2013 passed by this Hon'ble Court in CWP No. 21750 of 2012 (ANNEXURE P-9) against which even the LPA No. 56 of 2014 has also been dismissed vide order dated 16.01.2014 (ANNEXURE P-10).

It is further prayed that the special cost be awarded upon the respondents for driving the petitioner to knock at the doors of the Hon'ble Court for the relief which could and should have been granted as the action of the respondents exemplifies the typical bureaucratic attitude and deserves severe condemnation in view of the fact that it has been categorically held in a catena of decisions that similarly situated persons cannot be treated differently and those who approaches of this Hon'ble Court under Article 226 do not thereby

constitute a different category warranting different treatment than those who are similarly placed.”

6. He further submits that while allowing the said writ petition, this Court had only ordered that the petitioner may be treated as a regular employee w.e.f. 28.08.2011 and would also be entitled to all consequential benefits emanating from the date of regularization to be regularized w.e.f. 28.08.2011. However, no interest was allowed by this Court and now the petitioner had never challenged the judgment (Annexure P-3) passed by this Court. Thus, at this stage, the petitioner is estopped from raising such a plea and not interest can be awarded by this Court on the delayed payment of difference in the salary. He further submits that the second writ petition on the same cause of action would not be maintainable before this Court.

7. I have heard learned counsel for the parties and perused the record carefully.

8. In the present case, the facts are not in dispute. The services of the computer teachers who had completed 2½ years as on 01.07.2011 were regularized. Subsequently, another letter dated 05.07.2011 was also issued, prescribing that w.e.f. 01.07.2011, the services of such computer teachers who had completed 2 ½ years of service were also to be regularized every four months.

9. Admittedly, the petitioner had joined the services on 28.02.2009, her services were liable to be regularized on 28.08.2011 upon completion of 2½ years of service. The said right of the petitioner was duly recognized by this Court, while disposing off

CWP No.19145 of 2014, when this Court granted the benefit of regularization to the petitioner w.e.f. 28.08.2011 instead of 01.04.2012. Thereafter, while granting the benefit of regularization of the services to the petitioner w.e.f. 28.08.2011, the petitioner was paid an amount of Rs.2,10,778/- as arrears of salary w.e.f. 28.08.2011 to 28.02.2018. However, the amount of arrears were paid after several years and no interest was paid on the delayed payment.

10. The present petition has been filed before this Court with the limited purpose to release the interest on the arrears of salary, which were ultimately released to the petitioner on 22.02.2018. It is apparent that in the present case, respondent No.2 is adopting hyper-technical approach in denying the lawful claim of the present petitioner. In fact the respondent-State cannot escape from its liability of paying the interest on the delayed payment by referring to the order dated 26.07.2017 passed by this Court in CWP No.19145 of 2014. In fact, while allowing the claim of the petitioner, this Court had held that she was entitled to all consequential benefits emanating from the date of regularization to be reckoned w.e.f. 28.08.2011. Such consequential benefits would include the interest on delayed payment. In fact, the State is always obliged to act as a model employer and cannot act a private financier. The State is always under a legal obligation to make the due payments to its employees on time and in the event of any unjustified delay in the disbursement of such

payments, due to the fault of the employer, the State is legally bound to pay the arrears along with interest.

11. Even as per the settled principle of law settled by the Full Bench of this Court in **A.S.Randhawa v. State of Punjab. reported as 1997 (3) SCT468**, if the benefit to the employee is not released immediately and there is unjustified delay, the employee will be entitled for interest. The relevant paragraphs of the said judgment is as under:-

“11. Since a Government employee on his retirement becomes immediately entitled to pension and other benefits in terms of the Pension Rules, a duty is simultaneously cast on the State to ensure the disbursement of pension and other benefits to the retiree in proper time. As to what is proper time will depend on the facts and circumstances of each case but normally it would not exceed two months from the date of retirement which time limit has been laid down by the Apex Court in M. Padmanabhan Nair's case (supra). If the State commits any default in the performance of its duty thereby denying to the retiree the benefit of the immediate use of his money, there is no gainsaying the fact that he gets a right to be compensated and, in our opinion, the only way to compensate him is to pay him interest for the period of delay on the amount as was due to him on the date of his retirement.

12. Further, while deciding CWP-15867-2001, titled as *J.S.Cheema v. State of Haryana and others*, reported as 2014 (13) RCR (Civil) 355 on 20.11.2013, it has been held that once an amount has been retained by the Department, the same should be released with interest in case it is found that the

retention of the amount was unjustified. The relevant paragraph of the said judgment 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 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."

12. Keeping in view the above discussion, the present petition is allowed. The respondents are directed to pay interest @ 6% per annum on the amount of arrears of salary w.e.f. 28.08.2011 to 22.02.2018 and the same be released to the petitioner within a period of two months from the date of receipt of a certified copy of this order.

09.09.2025
amit rana/mks

(N.S.SHEKHAWAT)
JUDGE

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