



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(209)

CWP No. 8285 of 2017 (O&M)

Date of Decision : 09.04.2025

Gian Singh

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Ramesh Chand Sharma, Advocate for the petitioner.

Ms. Akshita Chauhan, Deputy Advocate General, Punjab.

Harsimran Singh Sethi J. (Oral)

1. Learned counsel for the petitioner argues that all the payments for which the present petition was filed, have been released but though, after a delay and, therefore, as only arrears have been given to the petitioner, the petitioner is entitled for the interest upon the delayed payments as well.

2. Learned counsel for the respondents submits that once the benefit sought by the petitioner has already been extended to him, the prayer of the petitioner for the interest on the plea that the benefits were released after a delay, may kindly be declined.

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

4. Once, the respondents themselves have already granted the benefit claimed, the entitlement of the said claim by the petitioner cannot be



disputed. The only question arise is whether, the petitioner is entitled for interest on the delayed release of the benefits or not.

5. As per the judgment of a Coordinate Bench of this Court in ***J.S. Cheema Vs. State of Haryana, 2014(13) RCR (Civil) 355***, 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.”

6. Keeping in view the said position, once an amount belonging to the petitioner was retained by the respondents without any valid justification and used, the petitioner becomes entitled for interest, hence, the amount which has been released to the petitioner now during the pendency of the present petition, will also carry interest @ 6% per annum from the date the said amount became due till the actual release of the same. Let the order be complied with within a period of eight weeks of the receipt of copy of this order.

7. Petition is allowed in above terms.

CWP No. 8285 of 2017 (O&M)

3

2025:PHHC:049341



8. Pending miscellaneous application, if any, also stands disposed of.

April 09, 2025
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : No