



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

LPA No.903 of 2018 (O&M)

Date of Decision: 19.03.2025

State of Haryana and others

.....Appellants.

Versus

Sushila Devi and others

.....Respondents.

CORAM: ***HON'BLE MR. JUSTICE SANJEEV PRAKASH SHARMA***
 HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA

Present:- Mr. Saurabh Mohunta, DAG, Haryana
 for the appellants.

Mr. Nischal Chetanya Manchanda, Advocate
for the respondents.

SANJEEV PRAKASH SHARMA, J.(Oral)

CM No.2455-LPA of 2018

For the reasons mentioned in this application, the same is allowed and the delay of 174 days in filing the appeal is condoned.

LPA No.903 of 2018

The present appeal is directed against the order dated 13.09.2017 passed by the learned Single Judge in ***CM No.15489 of 2013 in CWP No.20270 of 2010*** titled as '***Sushila Devi and others Vs. State of Haryana and others***' whereby while disposing of the review-application, the learned Single Judge allowed interest on the payment to be made to the writ-petitioners @ 8% from the date the amount was due till the date of realization.

2. Learned State counsel submits that the amount alleged to be



due from the date of appointment is erroneous as the learned Single Judge himself in his order dated 07.10.2013 passed in ***CWP No.20270 of 2010*** titled as '***Smt. Sushila Devi and others Vs. State of Haryana and others***', noticed that the requirement of passing the type test has been waived-off vide order dated 01.10.2013/03.10.2013 passed by the State Government. The learned Single Judge had, accordingly, dismissed the writ-petition as having become infructuous. Thereafter, there was no occasion for the learned Single Judge to grant interest to the writ-petitioners.

3. Learned counsel for the writ-petitioners, on the other hand, supports the order dated 13.09.2017 passed by the learned Single Judge and submits that since the appellant-State had waived-off the requirement of type-test, the petitioners would be entitled to receive the amount on the date when they were appointed and therefore, the interest from that date accrues to them.

4. We have considered the submissions and find that the order of waiving-off the type test was issued by the State Government on 01.10.2013/03.10.2013. Thus, before the said order was passed, the requirement of passing the type test was necessary. There may be cases where the persons passed the type test and have been granted their salary from that date. Thus, so far as the petitioners are concerned, they become entitled to the salary only from the date when the order was passed for waiving-off the type test.

5. We also noticed that the learned Single Judge passed the following order on 07.10.2013 in ***CWP No.20270 of 2010*** while dismissing the said writ-petition as infructuous:-

*“In the reply, it has been revealed that the
condition of type test imposed in the*



appointment/promotion orders in the case of the petitioners alongwith other clerks has been waived off vide order dated 1.10.2013/3.10.2013 entitling them for the due increments with immediate effect. This renders the writ petition infructuous.”

6. The words “with immediate effect” relate to the date when the order was passed, i.e 01.10.2013/03.10.2013. The subsequent order passed by the learned Single Judge on 13.09.2017 in the review-application, directing for payment of interest @ 8% per annum from the date of initial appointment itself, thus, goes contrary to his original order, which has not been reviewed by him. We, therefore, do not subscribe the view taken by the learned Single Judge in his order dated 13.09.2017 and set-aside the order of releasing interest @ 8% per annum from the date of initial appointment. However, the payment has to be made from the date of passing of the order dated 01.10.2013/03.10.2013. If there is a delay thereafter, the interest could be released.

7. With these observations, the present appeal is, accordingly, allowed.

8. Pending civil misc. applications also stand disposed of.

(SANJEEV PRAKASH SHARMA)
JUDGE

(MEENAKSHI I. MEHTA)
JUDGE

March 19, 2025
Yag Dutt

Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No