



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

371

**CWP-5556-2003
Date of decision: 07.03.2025**

SIRI KRISHANPetitioner

VERSUS

THE STATE OF HARYANA AND OTHERSRespondents

CORAM : HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present: - Mr. Amandeep Rana, Advocate
for the petitioner.

Mr. P.C. Goyal, Addl. A.G. Haryana.

VINOD S. BHARDWAJ, J. (Oral)

The present writ petition has been filed seeking directions to the respondents-authorities to release interest at the rate of 18% p.a. on the delayed payment of salary w.e.f. 01.04.1981 to 31.12.2000 amounting to Rs. 2,88,167/-.

2. Learned Counsel appearing on behalf of the petitioner contends that the petitioner was working as a Sub Inspector in Haryana Roadways, Depot Rewari and he was initially recruited as a Conductor on regular basis through employment exchange in the year 1970. His 07 increments were stopped by the Department from 1972 to 1986 against which he filed a Civil

Suit before the Civil Court. The said Civil Suit was dismissed whereupon Civil Appeal No. 32 of 1989 was filed by him before the District Judge. The said appeal was allowed vide judgment and decree dated 02.05.1990. The petitioner thereafter approached the respondent-authorities for implementation of the judgment and decree and to release the withheld increments and other due benefits towards pay fixation due to recommendation of the Third Pay Commission, Fourth Pay Commission and also to release the ACP etc, however, no decision was taken thereupon by the respondent-authorities. Following the multiple reminders, the last representation was submitted by the petitioner in the year 2001 but no decision was taken thereupon as well. The petitioner, in the meanwhile, was also promoted to the post of Sub Inspector in the pay scale of Rs. 1200-2040 on 06.03.1995. The petitioner thus preferred CWP-12632 of 2001 before this Court for seeking issuance of directions to the respondents to release the increments that were due to the petitioner since 1974 and the benefits on account of subsequent revisions thereto.

3. The said writ petition was disposed of by this Court vide order dated 23.08.2001 directing the respondents to take a decision on the representation and claim of the petitioner within a period of three months from the date of receipt of certified copy thereof. It was further ordered that in the event of the petitioner being found entitled to the monetary benefits, the same be released but confined to a period of three years and two months prior to the filing of the writ petition. The respondents thereafter granted the due benefits but the interest on delayed payment was not released due to which the petitioner filed CWP-9167 of 2002 before this Court, in light of the government instructions dated 08.02.1994. The said writ petition was

disposed of vide order dated 01.07.2002 directing the respondents to decide the representation submitted by him within a period of three months. The interest however was still not released nor a decision was taken on the representation whereupon contempt petition No. 1560 of 2002 was filed by the petitioner. During the hearing of the contempt petition, it was informed that a speaking order, in compliance to the order dated 01.07.2002, had been passed on 04.09.2002 due to which the contempt petition was disposed of. The claim of the petitioner was declined by the respondents vide order dated 04.09.2002 by holding that the petitioner Siri Krishan was not allowed interest either by the Additional District Judge while allowing the appeal or by the High Court, hence the claim of the petitioner was thus not justified.

4. Hence, the present writ petition was filed.

5. Learned Counsel appearing on behalf of the petitioner contends that the petitioner had approached the Lower Appellate Court against withholding of the annual increments on the ground of violation of the principle of natural justice and the procedure which such Civil Suit was decreed and the judgment and decree of the trial Court was set aside. The petitioner was thus held entitled to the said benefits which such claim of the petitioner is not disputed since the benefits had been released by them. He, however, contends that even on the earlier occasions, the claim of the petitioner had not been rejected with respect to the entitlement for interest and the respondents were directed to take a decision on the claim of the petitioner. Hence, it cannot be construed that there was a denial of the prayer made by the petitioner. It is contended as per the instructions issued by the respondents, in the event of any delay occasioned by the respondents in

release of the dues of an employee, he is entitled to the benefit of interest thereupon.

6. Learned State Counsel on the other hand contends that the Department was not responsible for delay in payment of the wages to the petitioner and hence, the liability cannot be fastened.

7. I have heard learned Counsel appearing on behalf of the respective parties and have gone through the documents available on record.

8. The sole plea of defence raised by the respondents is that since there was no lapse on the part of the Department in not releasing the due wages of the petitioner, hence, they should not be held liable to pay any interest thereupon, however, no explanation has been given as to why the Department should not be held liable for the delay has been put forth. The withholding of 07 increments had already been held to be a bad decision and the same was set aside by the District Judge vide judgment and decree dated 02.05.1990 and as such, the respondent authorities were liable to release the admissible benefits to the petitioner immediately on the decision of the case. However, it is apparent that no such decision was taken by the respondents and the benefits were released only in the year 2009 after a lapse of nearly a decade. Invariably, the petitioner had to approach different forums/Court on different occasions in pursuit of his entitlement and benefit. As a matter of fact, the respondents have made repeated reference to the punishments imposed upon the petitioner in the reply, however, I am of the opinion that the said reliance cannot be given any weightage once the stoppage of increment by the respondents, pursuant to their various orders, already stands set aside by the Appellate Court and which such orders had already

attained finality. The respondents were thus estopped from denying the admissible benefits to the petitioner without assigning a valid cause.

9. Taking into consideration the totality of the circumstances as also the fact that there was a delay of more than 10 years in releasing the admissible benefits to the petitioner despite the Civil Suit having been decreed in favour of the petitioner, the petitioner is held entitled to interest @ 6% per annum with respect to the arrears. The respondent-Department is directed to release the interest @ 6% on the amount as determined by the respondents and confined to a period of three years and two months prior to the date of filing of CWP-12632-2001, till its actual disbursement.

10. Let the amount be calculated and the financial benefits be released to the petitioner within a period of three months of receipt of certified copy of this order, failing which, the respondents shall be liable for a penal interest @ 8% per annum. The State Government shall be at liberty to recover the additional financial liability from the official responsible for causing of delay.

The writ petition is partly allowed.

(VINOD S. BHARDWAJ)
JUDGE

MARCH 07, 2025

Vishal Sharma

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