

Uttam Singh Vs. the State of Rajasthan

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Court : Rajasthan

Decided On : Jul-28-1993

Reported in : 1993WLN(UC)329

Judge : B.R. Arora, J.

Appeal No. : S.B. Civil Writ Petition N. 2893 of 1987

Appellant : Uttam Singh

Respondent : The State of Rajasthan

Disposition : Petition allowed

Judgement :

B.R. Arora, J.

1. The petitioner was working as a Patwari in the Revenue Department. His services were terminated. The petitioner challenged the order terminating his services before this Court by way of filing S.B. Civil Writ Petition No. 1032 of 1979. The writ petition, filed by the petitioner, was allowed by a Single Bench of this Court on 6.12.1985. While deciding the writ petition, the High Court directed the respondents to reinstate the petitioner in service and pay him the arrears of salary from 23.1.1963 to 1.6.1978, till he was reinstated in service. After the decision of the writ petition, the petitioner approached the respondents for payment of the

arrears of salary and made representations but the payment was not made to him and therefore, the petitioner preferred this writ petition before this Court with the prayer that the respondents may be directed to make payment of the arrears of salary with interest @ 18% per annum, compensation of Rs. 10,000/- and the cost of Rs. 5000/-.

2. It is contended by the learned Counsel for the petitioner that in spite of the best efforts of the petitioner, neither the fixation of his salary was made nor was the payment of arrears of salary made to him. The arrears of the salary was paid to him only in the year 1991, i.e. after about more than five years of the disposal of the earlier writ petition and therefore, he should be awarded interest on the delayed payment of the arrears of salary and compensation as well as the cost of the writ petition. Learned Counsel for the respondents, on the other hand, has submitted that every effort was made by the Collector that the order of the High Court may be complied with and the payment of arrears of salary may be made to the petitioner but the delay in the payment occurred on account of administrative reasons.

3. I have considered the rival submissions made by the learned Counsel for the parties.

4. The petitioner has been reinstated in service and the fixation of his salary has already been made. The petitioner has, also been paid the arrears of salary in the year 1991. The salary for the period from January, 1963 to June 6, 1978 amounting to Rs. 44,191/- was paid to the petitioner on 25.2.91 and the salary for the period from 7.6.78 to 30.11.90, amounting to Rs. 54,045/- was paid to the petitioner on 21.6.91. Since the fixation has been made and the arrears of salary has been paid to the petitioner, hence the only question that requires consideration in the present case is whether the petitioner is entitled for interest on the delayed payment of the salary alongwith compensation and cost?

5. The High Court, by the judgment dated 6.12.85 directed the respondents to make payment of the salary for the period from 23.1.63 to 1.6.78, till the petitioner was reinstated. Against the order of the learned Single Judge, no Special Appeal was filed and therefore, the order dated 6.12.85 became final. In spite of the order

passed by this court, the respondents did not make payment of the salary to the petitioner which was due to him, for more than five years and deprived the petitioner of his dues which were legally payable to him. It was not the fault of the petitioner that he could not get the amount but it was only slackness on the part of various Authorities of the State that the petitioner could not get his salary. So far as the action of the respondent No. 2 is concerned, it is no doubt true that he made his sincere efforts to comply with the order passed by the High Court and pursued the matter so that the petitioner may get his salary, but it is only on account of red-tapism of the Authorities of the State at the higher level that the amount of salary could not be paid to the petitioner and the poor petitioner had to suffer a lot and has to file the present writ petition to get his legal due which was already ordered by this Court to be paid to him. In this view of the matter, I am of the opinion that the petitioner is entitled for interest @ 12% per annum on the amount due to him which was paid to him in the year 1991, from the date of the order passed by this Court in S.B. Civil Writ Petition No. 1032 of 1979, i.e. since 6.12.85. The petitioner is, also, entitled for cost of the present writ petition, which I determine at Rs. 2000/- (Rs. two thousand).

6. The next question, which requires consideration is: whether the petitioner is entitled for compensation towards delayed payment of the salary? It is no, doubt, true that the petitioner had to face harassment on account of negligence and inaction on the part of the respondents in not making payment of the amount of salary which was legally due to him, but the interest and compensation, both, cannot be allowed and since the interest on the delayed payment of arrears of salary has already been awarded by me to the petitioner as such the petitioner is not entitled for the amount of compensation over and above the amount of interest. (See 1986 (1) WLN 66 (S.B.BJ. v. Vijay Singh Mehta).

7. In the result, the writ petition, filed by the petitioner, is allowed with cost of Rs. 2000/- and the respondents are directed to make payment of the amount of interest @ 12% per annum since 6.12.85, till the amount was paid to the petitioner.