IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

R.S.A. No. 1004 of 2015 (O&M)
Date of decision : 14.05.2015

State of Punjab and others ...**Appellants**

versus

Abdul Razaz Manjoori and others **...Respondents**

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Vaibhav Sharma, DAG, Punjab

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RITU BAHRI , J.

C.M. No. 3020-C of 2015

For the reasons mentioned in the application, delay of 26 days in filing the present appeal is condoned.

The application stands disposed of accordingly.

R.S.A. No. 1004 of 2015

State has come up in Regular Second Appeal against the concurrent findings of facts recorded by both the Courts below whereby the suit of the plaintiff/respondent No. 1(for short ' respondent No. 1') was decreed.

Respondent No. 1 filed a suit for declaration to the effect that he is entitled to the payment of GP Fund amount with interest subscribed/contributed towards his G.P Fund Account no. INB/PB/5641 through monthly salary bills during the year 1988-89 through the office of respondent No. 5, which has not been credited into the above mentioned account.

Respondent No. 1 was working as I.T.I Patiala and retired from the service as Office Superintendent on 21.03.2006 on superannuation from Government I.T.I Rajpura. During the year 1988-89 when the appellant was working at Govt. I.T.I Patiala, he contributed Rs.4600/- towards his above mentioned G.P Fund account as per policy of the Government through the monthly salary bills but the same has not been credited into his G.P Fund account. From 01.04.1989, the work of maintenance of G.P Fund account of the employees was entrusted to the respective head of the departments in Punjab, accordingly, GPF account of respondent No. 1 along with other employees of the department were transferred to appellant No. 4 and balance Rs.15,952/- was transferred vide letter dated 13.05.1994. From deduction schedule maintained by appellant No. 2, the same has not been credited in the account of the respondent.

The trial Court after going through the entire evidence led by the parties, decreed the suit of respondent No. 1 entitling him to the payment of GP Fund amount i.e 4600/- with interest @9% per annum from the date of filing of the suit till its realization. Respondent No. 1 had proved GPF deduction schedule (P-1) and original copy of statement (P2). The appellants at the same time examined D.W.1 who admitted that Rs.4600/- were deducted from the appellant's on account of GPF during 1988-89. He further admitted that respondent took loan of Rs.3000 in October, 1988 and recovery of Rs.3180/- were deducted from the salary of respondent No. 1 and Rs.125/- per month from 11/1988 to 1/1989 amounting to Rs.500/- were also deducted. Similarly D.W.2 admitted that there is no record available with their office regarding credit of Rs.4600/- related to respondent No. 1.

Thereafter, respondent No. 1 went in appeal and the State filed cross objection. The Appellate Court allowed the appeal filed by respondent No. 1 and dismissed the cross objection filed by the state seeking dismissal of the suit. The judgment of the trial Court was modified to the extent that respondent No. 1 is entitled to the payment of GP Fund amount i.e 4600/- with interest @9% per annum from the date of deposit of contribution for the period 1988-89 till its realization

After going through the judgments passed by both the Courts below, it transpires that respondent No. 1 had led sufficient evidence to prove that he had deposited Rs.4600/- into this GP Fund

Account, which was not being credited into his account and the appellant had led no evidence to show that the above mentioned amount had been credited into his account.

In the absence of any evidence led by the appellants, the judgments passed by both the Courts below, calls for no interference by this Court. No substantial question of law arises for consideration.

The appeal is dismissed.

(**RITU BAHRI)**
JUDGE

14.05.2015
G Arora