

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

Regular Second Appeal No.1696 of 2014 (O&M)

Date of decision: 28.08.2015

Ramphal son of Shri Pirthi Singh, resident of Village Chidana,
Tehsil Gohana, District Sonapat.

.... Appellant

versus

The Panipat Cooperative Sugar Mills, Gohana Road, Panipat,
through its Managing Director, and another.

.... Respondents

CORAM: HON'BLE MR. JUSTICE K. KANNAN

Present: Mr. Vishal Malik, Advocate,
for the appellant.

1. Whether reporters of local papers may be allowed to see the judgment ? No.
2. To be referred to the reporters or not ? No.
3. Whether the judgment should be reported in the digest ? No.

K.Kannan, J. (Oral)

1. The appellant did not draw a lesson after dismissal of the case at two courts and will vex the High Court with an equally frivolous appeal.

2. The person whose date of birth is entered in the service book as 25.05.1951 on the basis of which he was superannuated in the year 2011 came with a suit that his date of birth was wrongly entered and wrongly taken from the army records when there was no such record. According to him, the school leaving certificate gave

the correct date of birth which if correctly applied would allow for his retirement only in the year 2015. The suit was filed in the year 2010 on the eve of his superannuation. Such type of actions have been frowned upon by the courts through several judgments and it is a pity that the plaintiff was misguided to file such a suit again on the eve of his retirement. A meritless suit that was dismissed ought to rest there and the plaintiff has no business to approach this court through a second appeal. Second appeal is dismissed with the contempt that it deserves.

3. The plaintiff claims that his pensionary benefits have not been paid. He will be entitled to the same, if not barred otherwise and the dismissal of the suit will not come in the way.

(K.KANNAN)
JUDGE

28.08.2015
sanjeev