

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

Regular Second Appeal No.2725 of 2014

Date of decision: 20.10.2015

Gurdev Singh

... Appellant

versus

The Punjab State and others

.... Respondents

CORAM: HON'BLE MR. JUSTICE K. KANNAN

Present: Mr. H.K. Brinda, 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)

The plaintiff's suit for declaration that the administrative order passed by the respondents was erroneous on a plea that he was working as a Conductor and later promoted as Inspector and during his service, he had been subjected to an illegal deduction of ₹ 61,438/-. The plaintiff had filed earlier a suit challenging the order making the deduction and the court appears to have passed an order allowing for a fresh decision to be made. A fresh decision was taken on 20.04.2007, holding that the trial court had not set aside the deduction already made but had only given an opportunity to the plaintiff to make a fresh representation and an order to be passed

after hearing him. The impugned order was passed holding that a special increment had been given on 08.02.1978 wrongly without taking note of the fact that he had under suspension from 02.11.1977 to 25.05.1978 and that the special increment could not have been given to the person who was kept under suspension. Considering the fact that the increment had been wrongly given, the recoveries had been made. Re-fixation of pay was done after taking note of the fact that special pay which had been given was to be declined and it was at this time that a fresh suit came to be filed after a notice under Section 80 CPC. I find nothing comprehensible from the arguments of the counsel to make any deviation from the decision taken. The appeal is without merit and it is dismissed.

(K.KANNAN)
JUDGE

20.10.2015
sanjeev