

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH.

RSA No.3577 of 2014(O&M)

Date of Decision:-22.01.2015

Ramesh Sharma.

.....Appellant.

Versus

Punjab State Electricity Board & Ors.

.....Respondents.

CORAM:- HON'BLE MR. JUSTICE JASWANT SINGH

Present:- Mr. Prateek Pandit, Advocate for the appellant.

JASWANT SINGH, J.(ORAL)

CM No.8282-C of 2014 has been filed under Section 5 of the limitation Act read with Section 151 CPC seeking condonation of 707 days delay in filing the present second appeal.

For the reasons stated in the application duly supported by affidavit of appellant itself, the CM is allowed and delay of 707 days in filing the present second appeal is condoned.

CM No.8283-C of 2014 has been filed under Section 5 of the Limitation Act read with Section 151 CPC seeking condonation of 01 day delay in refiling the present second appeal.

For the reasons stated in the application duly supported by affidavit of appellant itself, the CM is allowed and delay of 01 day in refiling the present second appeal is condoned.

CM No.8284-C of 2014

For the reasons stated in the application duly supported by affidavit of appellant itself, the CM is allowed.

RSA No.3577 of 2014

Plaintiff is in second appeal aggrieved against the concurrent findings returned by the Courts below whereby his suit for declaration with a consequential relief of mandatory injunction to the effect that the order dated 2.2.2000 passed by respondent by virtue of punishment of recovery of Rs.1,99,784/- has been imposed upon the plaintiff is illegal, against the rules and is void and without jurisdiction.

Learned Counsel for the appellant has argued that the learned Courts below have wrongly dismissed the suit of the plaintiff although it is apparent from the record that he was not give a proper opportunity to defend his case at the time of enquiry and thus, the impugned order is liable to be set aside.

This Court vide its separate judgment passed in RSA No.3576 of 2014 of even date has already held that the appellant-Ramesh Sharma is liable to pay the aforementioned amount of Rs.1,99,784/- because he has not been able to account as to how the material of equivalent value was utilized by the respondent. This Court has also held that the enquiry was properly conducted by the respondents and the appellant has admitted the fact that he was joined in the proceedings. No fault can be found in the findings returned by the courts below and the same are hereby affirmed.

In view of the above, finding no question of law much less substantial question of law arising for determination in the present second appeal, the same is hereby dismissed.

(JASWANT SINGH)
JUDGE

January 22, 2015
Vinay