

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

RSA No.5752 of 2014 (O&M)

Date of decision : 23.07.2015

Pannu Masih

...Appellant

versus

State of Punjab & others

...Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. R.K.Arora, Advocate for the appellant.

RITU BAHRI , J (Oral)

CM No.13636-C of 2014

There is a delay of 235 days in re-filing the appeal.

For the reasons mentioned in the application, the same is
allowed and the delay of 235 days in re-filing the appeal is condoned.

CM stands disposed of.

RSA No.5752 of 2014

The appellant/plaintiff has come up in regular second appeal against the judgments of the trial Court dated 23.04.2011 and the lower appellate Court dated 04.09.2013, whereby his suit for mandatory injunction and directing the defendants to release all revised grade from 01.01.1986 implemented in 1990 i.e. enhanced from Rs.300/- to Rs.750/- and the arrears for the said period and further more earned leave encashment for the period of 2003 to May, 2005 which were not released to the plaintiff and further more the Chowkidar allowance for night to the tune of Rs.200/- per month from

the period of May, 1995 to January, 2005, which has not been given to the plaintiff and also the remaining Medical Reimbursement amounting to Rs.5,089/- regarding the admission of his wife in July, 2006 CMC Ludhiana along with interest @ 18% per annum, has been dismissed by both the Courts below.

On notice of the suit, the defendants filed a written statement and stated that arrears of revised pay scale w.e.f. 01.01.1986, leave encashment, amount of medical reimbursement and Chowkidar allowance have been paid to the plaintiff and there was no amount due to the plaintiff. The plaintiff before the trial Court availed a number of opportunities to produce the evidence. Despite the fact that he was imposed cost of Rs.200 on 23.04.2011, he did not lead any evidence. The defendants made the payment of revised pay scale, leave encashment, amount of medical reimbursement and Chowkidar allowance and there was no other payment due to the plaintiff. In the absence of any direct evidence, the suit of the plaintiff has been dismissed by both the Courts below. The lower appellate Court in paragraph 10 of its judgment has observed that after framing of issues on 24.07.2009, the plaintiff did not summon the witnesses and finally his evidence was closed. In the absence of any evidence, the suit of the plaintiff has been rightly dismissed. No substantial question of law arises for adjudication in this appeal.

Dismissed.

23.07.2015
Vinay

(RITU BAHRI)
JUDGE