

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

RSA No.61 of 1992

Date of Decision: 18.05.2017

O.P. Latta

... Appellant

Versus

The State of Punjab & ors.

... Respondents

CORAM:- HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: None for the appellant.

Mr. B.M. Vinayak, DAG, Punjab.

RAJIV NARAIN RAINA, J.(Oral)

As per office note, notice issued to the appellant has been received back unserved with the report that the appellant is not found residing at the given address.

This is an old case pending since 1992 with concurrent findings of fact recorded by the Courts below against the appellant. It is not disputed that an amount of ₹40,000/- was withheld by the department from the plaintiff appellant comprising two items, namely, a sum of ₹ 13,997/- relating to (i) incurring payment of an amount in excess of sanctioned estimate regarding execution of work in the year 1983-84 and (ii) incurring expenditure of ₹ 26,144/- unauthorisedly and beyond power delegated. A charge-sheet was issued with respect to the second item on 14.5.1979, which was replied to and action was taken under Rule 2.2 of the Punjab Civil Services Rules, Volume II. The punishment inflicted was minor in nature. The learned Additional District Judge, Chandigarh, by his judgment and decree dated 3.8.1991 concurred with the trial Court on the finding of fact that the punishment had been imposed by following due procedure

established by law.

The amount in dispute was recovered by the department from the terminal benefits at the time of superannuation will lead to filing of the suit for refund of the amount which was dismissed.

I find no error of jurisdiction in the judgment and decree in appeal. It does not suffer from any legal infirmity. The findings are concurrent and I have no reason to differ on the second appeal side of this Court under Section 100 of the Code of Civil Procedure, 1908, or under Section 41 of the Punjab Courts Act, 1918 since no question of law arises for consideration against findings of fact arrived at after appreciating the evidence on record by two courts.

The appeal is dismissed.

18.05.2017
monika

(RAJIV NARAIN RAINA)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes</i>
<i>Whether reportable</i>	<i>No</i>