

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

RSA No.1458 of 1991

Date of Decision: 20.2.2017

State of Punjab

... Appellant

Versus

Gurbax Singh Bhamra

... Respondents

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

Present: Mr. Anil Sharma, Addl.A.G., Punjab for the appellant

None for the respondent

RAJIV NARAIN RAINA, J. (Oral)

1. Neither any one appears on behalf of the respondent despite notice in the cause list nor is it necessary since this Court is of opinion that this appeal filed by the State of Punjab deserves to be dismissed in respondent's favour.

2. Perusal of record is not necessary in second appeal in a service matter. The cases run through the stages of evidence in the trial court and in first appeal before the appellate court. The appeal involves subject matter representing recovery of ₹ 19,678/- from the plaintiff-respondent. The recovery orders are dated 22nd June, 1982 and 24th November, 1983 totalling the aforesaid amount. The judgment in appeal is on reversal. The enquiry was pending before the plaintiff-respondent retired from service on 31st October, 1980 on attaining the age of 58 years. The recovery orders were passed thereafter. Without concluding the enquiry, the department inflicted the recovery orders which the learned Additional District Judge, Jalandhar in his judgment and decree dated 29th January, 1991 has held to be illegal

with the departmental enquiry nor intimated this fact to the plaintiff, and therefore, the recovery was illegal and invalid after retirement. I have no reason to disagree with the view of the court *a quo* based on sound reasoning.

3. Accordingly, this appeal is dismissed. In case the amount was recovered, the same be refunded to the respondent/plaintiff.

(RAJIV NARAIN RAINA)
JUDGE

20.2.2017
MFK

Whether speaking/reasoned

Yes

Whether Reportable

No