

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

208

**X-Objection No.9-C-2013 in/and
RSA-2391-2012 (O&M)**

Date of Decision : 05.12.2017

Punjab State and others

..... Appellants

Versus

Joginder Singh and another

..... Respondents

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present : Mr. Aditya Sharda, Assistant Advocate General, Punjab
for the appellants.

Mr. Arihant Goyal, Advocate
for respondent No.1-X-Objector.

AJAY TEWARI, J. (Oral)

RSA-2391-2012 (O&M)

This appeal has been filed against the judgment of the lower appellate court modifying that of the trial court and thereby declaring that no recovery could be made from the respondent No.1 before paying his pensionary dues.

The issue before the courts was mainly relating to the non-release of retiral dues in time. There were some missing credits and also an assertion that an amount of Rs.6,64,000/- odd had to be recovered from the respondent No.1. The trial court had held the appellants liable to make good the missing credits of the GPF and had further directed to release all the pensionary benefits after adjusting the amount of Rs.6,64,000/- odd.

The lower appellate court noticed that the plea regarding claim

of Rs.6,64,000/- odd was not mentioned in the written statement. Further in

the PPO it had been declared that no amount was outstanding against the respondent No.1 and consequently held that the appellants were not entitled to make any recovery.

Learned Assistant Advocate General is not in a position to justify how the issue of recovery could be raked up when the same had not even been mentioned in the written statement.

In the circumstances, no fault can be found with the judgment of the lower appellate court.

Appeal is dismissed. No costs.

Since the main case has been decided, the pending civil miscellaneous application, if any, also stands disposed of.

X-Objection-9-C-2013

By this X-objection the respondent No.1 is claiming interest.

Heard.

Admitted.

December 05, 2017
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**(AJAY TEWARI)
JUDGE**

Whether speaking/reasoned - Yes/No

Whether reportable - Yes/No