

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

202

**RSA No.948 of 2011 (O&M)
Date of Decision : 18.09.2017**

The Municipal Corporation, Patiala and another

..... Appellants

Versus

Laxmi Devi and others

..... Respondents

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present : Mr. Vikas Mehsempuri, Advocate
for the applicants-appellants.

Mr. Gaurav Singla, Advocate for
Mr. Sanjiv Gupta, Advocate
for respondent No.1.

Mr. H.S.Sitta, Asstt. Advocate General, Punjab.

AJAY TEWARI, J. (Oral)

This appeal has been filed against the concurrent judgments of the Courts below decreeing the suit of respondent No.1-Laxmi Devi.

The respondent No.1 had retired as Safai Sewika on 30.06.2004. She was not released her pensionary dues. In 2005 she filed this instant suit claiming that her DCRG and leave encashment amounting to about Rs.73,000/- odd had been released after a delay of 15 months and hence she was entitled to interest thereon and further that she had been illegally deprived of pension and she should be granted the same.

Both the Courts found that the date of release of part benefits was not disputed. It was also found that the appellants had not been able to show any evidence why respondent No.1 was not entitled to pension and consequently decreed the suit and granted her interest @6% per annum.

Learned counsel for the appellants has argued that respondent No.1 has not completed the qualifying period of service for pension. However, neither any particulars thereof were given in the written statement nor even today any detail been mentioned as to what was the actual service of respondent No.1 and why she did not qualify for the grant of pension.

I see no reason to differ with the view taken by the Courts below.

Appeal stands dismiss.

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

(**AJAY TEWARI**)
JUDGE

18.09.2017

pooja sharma-I

Whether speaking/reasoned - Yes/No

Whether reportable - Yes/No