

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

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**RSA No.3213 of 2015 (O&M)
Date of Decision : 21.09.2017**

Surinder Kumar Arora

..... Appellant

Versus

Punjab National Bank and others

..... Respondents

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present : Mr. M.S.Kathuria, Advocate
for the appellant.

AJAY TEWARI, J. (Oral)

This appeal has been filed against the concurrent judgments of the Courts below dismissing the suit of the appellant claiming T.A./D.A. for the period from 16.01.2008 to 27.09.2008 and challenging the notice whereby the T.A./D.A. already paid to him from 25.07.2006 to 16.01.2008 was sought to be recovered.

The admitted facts are that the appellant was serving in the Kaithal circle of the Punjab National Bank when his mother met with an accident. Since she was operated in a hospital which fell within the Rohtak circle he requested for a temporary transfer to the Rohtak circle by document (Ex.D1) and undertook that if he was temporarily transferred to a branch in the Rohtak circle he would not claim any T.A./D.A. He was transferred to the Rohtak circle pursuant to his request but till 16.01.2008

issued and further payment of T.A./D.A. was stopped to him till 27.09.2008 when he was transferred out of the Rohtak circle. The case of the appellant was that notwithstanding his undertaking he was entitled to T.A./D.A. for the period during which he was posted in the Rohtak circle.

Both the Courts dismissed the suit in view of the document (Ex.D1) and also a subsequent document (Ex.D2) as per which the appellant had undertaken that he would withdraw the suit but did not withdraw the same.

I see no reason to take a different view. In the circumstances, the appeal is dismissed. No costs.

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

(AJAY TEWARI)
JUDGE

21.09.2017
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Whether speaking/reasoned - Yes/No

Whether reportable - Yes/No