

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

207

RSA-1545-2014 (O&M)
Date of Decision : 03.10.2017

Ramesh Chand

..... Appellant

Versus

Haryana State and others

..... Respondents

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present : Mr. N.D. Achint, Advocate
for the appellant.

Mr. Anil Mehta, D.A.G., Haryana.

AJAY TEWARI, J. (Oral)

This appeal has been filed against the concurrent judgments of the Courts below dismissing a suit filed by the appellant.

The appellant was appointed as Patwari in the year 1986. He filed this suit in the year 2010 claiming that he was entitled to Ist and 2nd ACP after completion of 10/20 years of service. The appellant also sought declaration in that suit to the effect that he was legally entitled to pay an allowance (salary) for the month of August, 1996 and May, 2008 since the same had not been paid to him.

Counsel for the appellant has argued that while dismissing the suit regarding ACP no finding on the salary for the months of August, 1996 and May, 2008 was given. He has however not in a position to deny that the

appellant had not filed a suit for recovery of salary nor had he affixed the necessary court fees in this regard. He has also not in a position to deny that the suit for recovery of salary for the month of August, 1996 could at least had to be filed by April, 1999. Further in evidence the appellant did not produce any document to show that the salary for the said months was not paid to him. Counsel for the appellant further states that though the appellant had made an assertion on oath to this effect but he had not been cross-examined. I find no merit in this argument as well.

Appeal is dismissed. No costs.

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

October 03, 2017
ashish

(AJAY TEWARI)
JUDGE

Whether speaking/reasoned - Yes/No

Whether reportable - Yes/No