

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

**C.Ms. No.17828-29-C of 2016 in/and
RSA No. 6845 of 2016**

Date of decision: 9.1.2017

Chaudhary Charan Singh Haryana ... Appellants
Agricultural University, Hisar & anr.

Versus

Dr. Amar Nath Gupta ... Respondent

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

Present: Mr. Hitesh Pandit, Advocate,
for the appellants.

RAJIV NARAIN RAINA, J.(Oral)

C.M. No.17828-C of 2016

For the reasons in the application, delay of 57 days in filing
the appeal is condoned.

Application stands disposed of.

RSA No. 6845 of 2016(O&M)

This is appellant University's second appeal against
concurrent findings on law and facts. Heard learned counsel for the
appellant.

Paucity of funds is no ground to deprive a retired employee
of his rights which have accrued in his favour prior to his retirement. If
the petitioner asked for his benefits under the un-revised benefits
awaiting implementation of pending pay revision, he would not be seen
as one having surrendered his rights to secure to himself the full
monetary benefits becoming available to him on a pre-existing basis.
These rights have been declared in favour of the plaintiff. Therefore, I
find no substantial error or defect of reasoning in the concurrent findings

of fact and law recorded on the evidence and applicable rules of service conditions in the judgments of the Courts *a quo* decreeing the respondent plaintiff's suit, to be sufficient to interfere in regular second appeal jurisdiction under Section 100 CPC or Section 41 of The Punjab Court's Act, 1918. The decisions of the subordinate courts are not contrary to law while settling the issues involved and struck for trial.

The appeal is accordingly dismissed in limine as not warranting admission.

**(RAJIV NARAIN RAINA)
JUDGE**

9.1.2017

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Whether speaking/reasoned

Yes

Whether Reportable:

No