

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

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**RSA No.4618 of 2017 (O&M)
Date of Decision : 12.12.2017**

Pepsu Road Transport Corporation, Patiala and another
..... Appellants

Versus

Jarnail Singh
..... Respondent

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present : Mr. Harsh Chopra, Advocate
for the appellants.

Mr. Pankaj Katia, Advocate
for the respondent.

AJAY TEWARI, J. (Oral)

This appeal has been filed against the concurrent judgments of the Courts below whereby they have decreed the suit filed by the respondent.

The respondent retired in the year 2007 and at that time claimed that his pension be commuted. It is not disputed that after his retirement the respondent was paid the full pension and commutation was given to him only after almost 4 years. While giving him the commuted value of the pension the appellants deducted an amount of money which represented the amount by which his pension had to be reduced to give him the benefit of commutation. The case of the respondent was that the deduction could only be started after the commuted value and could not have been pre-dated and this is the suit which has been decreed.

Learned counsel for the appellants has argued that once the appellants had granted full pension to the respondent they had to make the deduction of the extra amount when the commutation was done.

In my considered opinion, it is a mere quibble because it is 6 ½ dozen of the other. If the commutation had been done on the date of retirement the recovery would have been made in 20 years. Now that the commutation has been done after 4 years the recovery has to be made in 16 years but the appellants can not make a recovery from the back date.

With this clarification the appeal is disposed of.

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

(AJAY TEWARI)
JUDGE

12.12.2017
pooja sharma-I

Whether speaking/reasoned - Yes/No

Whether reportable - Yes/No