

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

RSA No.3612 of 2016 (O&M)
DECIDED ON: JULY 02, 2018

PUNJAB STATE POWER CORP. LTD.
AND ORS.

.....APPELLANTS

VERSUS

SATINDER KUMAR

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Anil Kumar Sharma, Advocate,
for the appellants.

JASPAL SINGH, J.

Through instant Regular Second Appeal, appellants have challenged judgment and decree dated 10.08.2015 passed by Additional District Judge, Patiala whereby an appeal preferred against the judgment and decree dated 29.04.2014 passed by Civil Judge (Jr. Division), Patiala has been dismissed and judgment and decree dated 29.04.2014 has been upheld, vide which, the suit of the respondent-plaintiff to the effect that action of the defendants by not granting and paying the pensionary benefits to the plaintiff viz. Full pension, death-cum-retirement, gratuity commuted value of pension and leave encashment consequent upon his retirement w.e.f. 31.12.2011 are illegal, null and void, ultravires, malafide, unconstitutional, discriminatory, against the principles of natural justice and rules and regulations governing the services of the plaintiff and notwithstanding the said illegal action, the plaintiff is entitled to

all rights, benefits and privileges including pensionary benefits viz. Pension, death-cum-retirement gratuity, commuted value of pension and leave encashment along with interest @ 18% per annum, was partly decreed.

2. At the very outset of the arguments, it has been fairly conceded by learned counsel for the appellants that after the filing of instant appeal though pensionary benefits have been released but a sum of Rs.2,36,182/- has been illegally recovered from the amount of gratuity of plaintiff-respondent, regarding which, Civil Court, Patiala is seized of the matter.

3. Since, the benefits have already been released and matter with regard to recovery effected from the amount of gratuity is already under challenge before the Civil Court at Patiala, instant appeal has rendered infructuous and is disposed of as such.

4. However, it is made clear that disposal of instant appeal shall have no effect on the merits of the civil suit already pending before the Civil Court at Patiala with regard to the alleged recovery of amount from the gratuity of the plaintiff-respondent.

JULY 02, 2018
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(JASPAL SINGH)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes</i>
<i>Whether reportable</i>	<i>Yes/No</i>