

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

RSA No.6621 of 2016 (O&M)

Date of decision:03.12.2018

Chanderhass

... Appellant

Vs.

Senior Superintendent of Post Office,
Gurgaon Division, Gurgaon and others

... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present:- Mr. S.S.Khurana, Advocate
for the appellant.

AMIT RAWAL J. (Oral)

C.M.No.17299-C of 2016

For the reasons stated in the application which is duly supported by an affidavit, delay of 82 days in re-filing the appeal is condoned.

C.M stands allowed.

RSA No.6621 of 2016 (O&M)

The appellant-plaintiff has not been successful in seeking declaration by laying challenge to the demand raised by the defendants for recovery of ₹54,263/- sought as arrears of land revenue.

The plaintiff was charge-sheeted with regard to embezzlement of aforementioned amount on the basis of complaint made by the beneficiaries. Concededly, the appellant was found guilty in the inquiry proceedings and writ petition qua dismissal of the appellant is pending

adjudication before the Hon'ble Delhi High Court.

Mr. S.S.Khurana, learned counsel appearing on behalf of the appellant-plaintiff submitted that as per the information received under Right to Information Act, claim of the appellant was declined. In such circumstances, the respondents cannot claim the amount as arrears of land revenue.

I am afraid the aforementioned argument is not sustainable as it is not discernible under what ground the claim was declined. There is no interim stay granted by the trial Court as necessary corollary. The recovery proceedings were inevitable.

As an upshot of my findings, I do not find any illegality and perversity in the findings rendered by both the Courts below which are based upon the appreciation of oral and documentary evidence, much less no substantial question of law arises for adjudication of the present appeal.

The appeal stands dismissed.

(AMIT RAWAL)
JUDGE

December 03, 2018
savita

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No