

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

**Regular Second Appeal No.3937 of 2017 (O&M)
Date of Decision: February 14, 2018.**

Secretary-cum-Financial Commissioner and others

.....APPELLANT(s).

VERSUS

Naresh Kumar and another

.....RESPONDENT(s).

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Kapil Bansal, D.A.G. Haryana
for the appellant (s).

SURINDER GUPTA, J.

Heard.

The Courts below decreed the suit of the plaintiff-respondent No.1 for mandatory injunction directing the defendants-appellants to pay ₹32,800/- towards remaining amount of stipend in the year 2006-07 along with interest.

Learned Deputy Advocate General, Haryana while referring to the letter issued by Chief Account Officer for Director, Welfare of Scheduled Castes and Backward Classes Department, Haryana, has argued that the remaining amount of stipend due to the appellants for the year 2006-07 was not paid as directions were issued to pay only maintenance allowance for the pending cases of the year 2007-08. He has further argued that in the list of students Ex.P5 produced on record, there were total 29 students, out of which stipend was disbursed to 19 students. Plaintiff was

not paid stipend in view of letter dated 09.06.2008 issued by Director, Welfare of Scheduled Castes and Backward Classes Department, Haryana.

The Courts below have taken note of the above letter, which provides that from the amount allotted towards the post-matric scholarship for the backward classes, only maintenance allowance was to be paid for the pending cases of 2007-08. The above letter has no application to the case of plaintiff as it nowhere denies grant of stipend and issued direction for utilisation of funds allotted to District Welfare officers. DW1 namely Shri Rajinder Singh Sangwan, who was District Welfare Officer at the relevant time, has stated that amount of ₹1200/- was paid to the plaintiff due to paucity of funds. In the absence of any directions of the Government to withdraw the stipend, letter dated 09.06.2008, copy of which has been placed on file as Annexure A-1, cannot be interpreted to mean that benefit of stipend given to the backward classes students was withdrawn by the Government. When the other similarly placed students have been paid stipend, there was no reason to deny the same to the plaintiff.

Along with the appeal, an application has been filed under Order 41 Rule 27 read with Section 151 CPC to place on record copy of letter dated 09.06.2008 and statement of Shiv Ram, father of plaintiff-respondent No.1 by way of additional evidence.

The letter dated 09.06.2008 has already been discussed above. It is not denied that plaintiff was entitled to the stipend being a backward class student, as such, statement of his father has no bearing on the case. Consequently, application stands dismissed.

No substantial question of law requiring determination arises in

this appeal, which has no merits.

Dismissed.

February 14, 2018
Sachin M.

(SURINDER GUPTA)
JUDGE

<i>Whether speaking/reasoned:</i>	<i>Yes/No</i>
<i>Whether Reportable:</i>	<i>Yes/No</i>