

RSA No.5404 of 2016 (O&M)

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

RSA No.5404 of 2016 (O&M)

Date of decision:08.04.2019

Sushil Kumar Bhagat

... Appellant

Vs.

Secretary Housing & Urban Development
Authority, Chandigarh and others

... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present:- Mr. Jatinder Singh Gill, Advocate
for the appellant.

AMIT RAWAL J. (Oral)

Short point involved in the present regular second appeal is whether the appellant-plaintiff in the suit filed on 09.02.2007 can claim following two reliefs:-

“A. Suit for declaration to the effect that the order of reversion no.1915 DTP(G) dated 25.07.2006 issued by defendant no.3 against the plaintiff is illegal, un-constitutional, ultra vires against the Principal of Natural Justice and is not binding on the rights of the plaintiff and the plaintiff is in continuous service as Planning Officer for all purposes and is entitled for the benefits.

B. Suit for mandatory injunction directing the defendant to withdraw the officer order of reversion issued against the plaintiff and release/disburse all the benefits for which he is entitled as Planning Officer i.e. arrears of pay and allowances

*alongwith interest at the rate of 18% PA til realization
alongwith seniority etc.”*

It is a matter of record that plaintiff was given short term promotion to work as Planning Officer from Junior Engineer. He, vide order dated 25.07.2006 was reverted back. The case set out by the appellant-plaintiff in the plaint and evidence was that period for which he worked as Planning Officer, recovery was made which is not permissible in law.

This Court raised a specific query to the counsel representing the appellant as to whether any documentary evidence in support of the aforementioned assertion has been placed on record, the answer was 'no'.

Once the appellant-plaintiff miserably failed to prove on record the alleged recovery, nor pressed for issue, it would be a farcical exercise to ponder upon.

The appeal is also accompanied by an application seeking condonation of delay of 174 days in re-filing the appeal. The explanation given in the application is bereft of the reasoning.

No ground for interference is made out.

Resultantly, the regular second appeal is dismissed on merits as well as on limitation.

(AMIT RAWAL)
JUDGE

April 08, 2019
savita

Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No