

[135] IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

RSA-1222-2019 (O&M)

Date of Decision : 11.10.2023

Punjab Small Industries and
Export Corporation Limited

...Petitioner

versus

Dalbara Singh

....Respondent

Coram : **HON'BLE MR. JUSTICE ANIL KSHETARPAL**

Present : Mrs. Manisha Gandhi, Senior Advocate assisted by
Mrs. Salina Chalana, Advocate and Ms. Aakanksha Gupta,
Advocate for the appellant.

ANIL KSHETARPAL, J. (ORAL)

[1] The correctness of concurrent findings of facts arrived at
by the Courts below is assailed by the plaintiff in this second appeal.

[2] The plaintiff's suit for recovery of Rs.4,71,224/- as
principle and Rs.1,32,149/- as interest on the excess amount of
gratuity has been dismissed by both the Courts below. The
respondent was paid the amount within a short time from the date he
retired on 31.03.2010.

[3] Both the Courts on appreciation of evidence have found
that the gratuity amount has been paid in accordance with the rules.
Moreover, the respondent is a retired employee and now no recovery
can be made from him in view of the judgment passed by the
Hon'ble Supreme Court in the '**State of Punjab and others** versus
Rafiq Masih (White Washer), (2014) 8 SCC 883.'

[4] Keeping in view the aforesaid facts, no grounds to
interfere with the concurrent findings of the Courts below.

[5] Dismissed.

(ANIL KSHETARPAL)
JUDGE

11.10.2023