

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

143

2023:PHHC:107373

RSA-1120-2019

Date of decision: 18.08.2023

AJIT SINGH

..Appellant

Versus

UNION OF INDIA AND ORS

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Sarbjit Singh Khaira, Advocate
for the appellant.

ANIL KSHETARPAL, J(Oral)

1. The plaintiff has filed this second appeal to challenge the correctness of the concurrent judgments passed by the Courts below. By filing a suit for mandatory injunction, he prayed for the release of pensionary benefits including gratuity, leave encashment, insurance and other benefits. The defendants while contesting the suit disclosed that the following benefits have already been released to the plaintiff before the filing of the suit:-

*“CGEGIS Rs.4054/- drawn vide Bill No.178/2015-16, D.V. No.22425 dated 15.06.2015.
L/Encashment: Rs.60,055/- drawn vide Bill No.436/2015-16, D.V. No.21864 dated 01.06.2015.
Risk Fund:- Rs.64,058/- paid on 07.04.2015 by 186 Bn.
Pension:- As regard entitlement of pension, personnel enlisted on or after 01.01.2014 are not entitled to get pension and gratuity as per GOI, Ministry of Finance, ECB & R DEPTT Memo No.5/7/2003-ECB & R dated 22.12.2003. As such his proposal for sanction of pension & gratuity was not submitted to PAO CRPF New Delhi by GC Agartala.”*

2. In para 13 of the judgment, the learned trial Court recorded that admittedly all the benefits due to the plaintiff have been released during the pendency of the suit because the plaintiff submitted all the necessary documents. However, the trial Court refused to grant interest on the delayed

payment as the documents were submitted subsequently. The First Appellate Court also affirmed the findings of the fact arrived at by the trial Court.

- 3. Hence, no ground to interfere is made out.
- 4. Dismissed.
- 5. All the pending miscellaneous applications, if any, are also disposed of.

August 18th, 2023
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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No