

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

RSA-1231 of 1992(O&M)

Date of Order:03.10.2023

State of Punjab

.Appellant

Versus

Jit Singh

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Vikas Arora, AAG, Punjab.
None for the respondent.

ANIL KSHETARPAL, J

1. The dispute in this regular second appeal is with respect to the liability of the State to pay amount beyond the suspension allowance.

2. The plaintiff was removed from service on account of conviction by the criminal court in an offence under Section 302 IPC. However, before the dismissal order dated 18.02.1988, the respondent was suspended on 29.04.1973.

3. The plaintiff filed a suit that the dismissal order dated 18.02.1988 is illegal, null and void and he could not be dismissed from the service with retrospective effect from the year 1973.

4. Both the courts decreed the plaintiff's suit for grant of allowance for all these years beyond the suspension allowance.

5. The learned counsel representing the appellant admits that by now the respondent would have retired on attaining the age of superannuation and in view of the judgment passed by the Supreme Court in

State of Punjab and others vs. Rafiq Mahsih (White Washer) (2014) 8

SCC 883, no recovery can be made from the respondent.

- 6.Keeping in view the aforesaid facts, no ground to interfere is made out.
- 7.Dismissed.
- 8.All the pending miscellaneous applications, if any, are also disposed of.

October 03, 2023
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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned
Whether reportable

:YES/NO
:YES/NO