

CM-8193-C-2019
CM-2589-C-2023 in/&
RSA-3035-2019 (O&M)

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2023:PHHC:073360

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CM-8193-C-2019
CM-2589-C-2023 in/&
RSA-3035-2019 (O&M)
Date of Decision :19.05.2023

Dalwinder Singh

...Appellant

Versus

Punjab State and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Rajinder Sharma, Advocate for the appellant.

Mr. Gurpreet Singh, Addl. A.G. Punjab
for respondent No.1-State.

Mr. Sanjeev Sharma, Advocate for respondent No.2.

* * *

Harsimran Singh Sethi, J. (Oral)

1. Learned counsel for the respondent-Corporation submits that though, certain amount which was admissible to the appellant-plaintiff on account of judgment of the Civil Court with regard to the grant of certain service benefits wherein a sum of Rs.5,45,972/- became payable to the appellant-plaintiff, the said decree of the trial Court has already been satisfied after deducting certain amount recovery of which was imposed

upon the appellant, a detailed order had already been passed to this effect on 09.05.2018 and a sum of Rs.47,264/- which became payable, full and final payment of same has already been paid to the appellant-plaintiff.

2. Learned counsel for the appellant-plaintiff submits that though, the said amount has already been paid to the appellant-plaintiff but no retiral benefits such as leave encashment and gratuity for which, he became entitled for after his retirement, have been released to him so far.

3. Learned counsel for the respondent-Corporation on instructions from Manager, Legal Service submits that another recovery of Rs.10 lacs has been imposed upon the appellant, which recovery has already been challenged by the appellant by way of filing CWP-4611-2020, which is now pending consideration for 07.08.2023 and the amount which is being claimed as pensionary benefits is much less than the said recovery amount which is to be done from the appellant hence, any pensionary benefits will only be extended after the decision on the order of punishment which has been assailed before this Court in the said writ petition and pensionary benefits, if any, will be extended to him keeping in view the order passed by this Court in the said CWP.

4. Learned counsel for the appellant submits that keeping in view the statement made by learned counsel for the respondent-Corporation, present regular second appeal may kindly be disposed of having been not pressed any further.

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5. Ordered accordingly.

May 19, 2023
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(HARSIMRAN SINGH SETHI)
JUDGE

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