

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

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2023:PHHC:103768

RSA-5041-2019

Date of decision: 10.08.2023

ROHTASH SINGH

..Appellant

Versus

STATE OF HARYANA AND OTHERS

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. J.P. Sharma, Advocate
for the appellant.

Ms. Vibha Tewari, AAG, Haryana.

ANIL KSHETARPAL, J(Oral)

1. The correctness of the concurrent findings of fact arrived at by the Courts below is assailed by the plaintiff in this second appeal. In the suit, he claimed decree of declaration to the effect that the action of the respondent in withholding the pensionary benefits as well as pay and other allowances for the period 16.09.2012 to 28.02.2013 is wrong. The appellant retired from the post of driver on 28.02.2013. While appearing in evidence, the plaintiff admitted that he already received the benefits for the aforesaid period.

2. Even the first appeal filed by the plaintiff was dismissed after reappreciating the evidence. It has also come on record that there was no unreasonable delay in release of the pensionary benefits.

3. It may be noted here that the plaintiff was on leave from 17.09.2012 to 01.02.2013.

4. Keeping in view the aforesaid facts, no ground to interfere is made out.

5. Dismissed accordingly.

6. All the pending miscellaneous applications, if any, are also disposed of.

August 10th, 2023
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(ANIL KSHETARPAL)
JUDGE

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