

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

135

**2023:PHHC:113890
RSA-5207-2019
Date of decision: 31.08.2023**

OM PARKASH

..Appellant

Versus

STATE OF PUNJAB AND ORS

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. S.K. Chawla, Advocate
for the appellant.

Mr. Ajit Singh Natt, AAG, Punjab.

ANIL KSHETARPAL, J(Oral)

1. The correctness of the concurrent findings of fact arrived at by the Courts below is challenged in this second appeal by the plaintiff. His suit for issuance of a decree for mandatory injunction directing the respondents to release the retiral benefits, has been dismissed by both the Courts below after finding that the entire retiral dues have already been paid. It has come on record that the appellant has already withdrawn the general provident fund, whereas, he has been already getting pension from Regional Provident Fund Commissioner for the last two years. He has also been paid Rs.3,84,653/- towards gratuity on 01.06.2012, whereas, his leave encashment has been reimbursed to the extent of Rs.2,02,040/- on 27.02.2013.

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

3. Dismissed accordingly.

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

August 31st, 2023

**(ANIL KSHETARPAL)
JUDGE**

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No