

2023:PHHC:161797

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

RSA-5201-2019 (O&M)
Date of decision: 16.12.2023

Constable Sukhwinder Singh

....Appellant

Versus

State of Punjab and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr. K.G.Chaudhary and
Mr. Sushane Puri, Advocates for the appellant

Mr. Gurpreet Singh, Addl.AG, Punjab

ANIL KSHETARPAL, J (Oral)

After arguing for some time, the learned counsel representing the appellant submits that he may be permitted to withdraw the appeal, particularly when the appellant has retired on attaining the age of superannuation. However, he submits that the forfeited service is required to be counted for the purpose of calculating the pensionary/retiral benefits.

On being confronted to the fact that the appellant never sought relief before the courts below, he prays for granting liberty to represent.

In the considered opinion of the Court, once the cause of action for claiming the retiral benefits has arisen after filing of the

second appeal, therefore, there is no requirement of liberty as it is a fresh cause of action.

Hence, dismissed as withdrawn.

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

16.12.2023

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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No