

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

140

2023:PHHC:105372

RSA-5019-2019(O&M)
Date of decision: 16.08.2023

MOHINDER SINGH

..Appellant

Versus

LIFE INSURANCE CORPORATION OF INDIA ..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Ashutosh Kaushik, Advocate
 for the appellant.

ANIL KSHETARPAL, J(Oral)

1. The correctness of the concurrent findings of fact arrived at by the Courts below is challenged in the second appeal.
2. The appellant was employed as Development Officer in the Life Insurance Corporation of India. During his service, a chargesheet was issued to him and inquiry was held. Ultimately, he was dismissed from the service on 25.02.2004. Statutory service appeal against the aforesaid order was dismissed. He filed CWP-17420-2004 in the High Court, in which he was relegated to the remedy of filing memorial before the Chairman.
3. The appellant's representation was considered by the Chairman and the order of punishment was modified by directing that the appellant shall be reduced to basic pay to the minimum scale, applicable to him. Thereafter, the appellant joined on 11.04.2008 and retired voluntarily in the year 2010. Subsequently, he filed the suit on 24.03.2011. Both the Courts while relying upon the *State of Punjab and others Vs. Krishan Niwas, 1997(2) SLR 514 (SC)* held that the appellant was estopped from filing the suit because pursuant to the order passed by the Chairman, he did join the Corporation and the suit was filed only after he retired voluntarily.

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4. The learned counsel representing the appellant admits that the aforesaid judgment squarely covers the case of the appellant.
5. In view of the aforesaid facts, no ground to interfere is made out.
6. Dismissed accordingly.
7. All the pending miscellaneous applications, if any, are also disposed of.

August 16th, 2023
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(ANIL KSHETARPAL)
JUDGE

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