

CM-6822-C-2016 in/and
RSA-2570-2016

1

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(225)

CM-6822-C-2016 in/and
RSA-2570-2016
Date of Decision : 27.01.2023

Baljit Singh

...Appellant

Versus

Pepsu Road Transport Corporation, Patiala and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. P.K. S. Phoolka, Advocate for the appellant.

None for the respondents.

Harsimran Singh Sethi J. (Oral)

CM-6822-C-2016

Application is allowed, as prayed for.

RSA-2570-2016

In the present regular second appeal, the challenge is to the judgment and decree of the trial court dated 18.09.2010 by which, the suit filed by the appellant-plaintiff was dismissed as well as the judgment of the lower appellate court dated 02.08.2014 by which, even the appeal filed by the appellant-plaintiff was dismissed.

It may be noticed here that the suit was filed seeking injunction against the respondent-corporation for the releasing of ₹4,000/-, which according to the appellant-plaintiff, was illegally recovered from him and

also to pay damages to the tune of ₹1 lac. The facts alleged in the civil suit

was that the appellant-plaintiff was working as a driver with the respondent-corporation on contract basis and on 19.10.2004, he had refused to perform his duty to drive the Bus to a particular station. As per the appellant-plaintiff, as the Bus in question was not in a condition to be driven at night, the appellant-plaintiff refused to drive the same but for the said act, a sum of ₹4,000/- was deducted from his salary, which should be returned to the appellant-plaintiff and he should be paid ₹1 lac on account of the compensation for illegally deducted the said amount.

The trial court on the basis of the evidence, which had come on record, dismissed the suit by recording a finding that the appellant-plaintiff failed to establish that there was a recovery of ₹4,000/- as being alleged by him as no order qua the said fact was brought on record. The said judgment and decree of the trial court was assailed before the lower appellate court and the appeal filed by the appellant-plaintiff was dismissed on 02.08.2014 holding that there is no order, which has been placed on record imposing any penalty of deduction of ₹4,000/- as being alleged by the appellant-plaintiff as the recovery of ₹4,000/- has not been proved, the question of grant of compensation as being claimed does not arise.

In the present regular second appeal, the order passed by the courts below are under challenge.

Learned counsel for the appellant-plaintiff argues that though, it is a matter of fact that on a particular date i.e. 19.10.2004, the appellant-plaintiff had refused to drive a Bus as the same was not in a condition to be driven at night but for the said act, the respondent-corporation had deducted

an amount of ₹4,000/- from his salary. On being asked to point out the

evidence, which has come on record to show that there was any deduction or recovery by the corporation, learned counsel for the appellant-plaintiff very fairly concedes that no such document is there on record.

Once, there is no document on record to prove the alleged recovery of ₹4,000/-, the refund of which is being sought, it cannot be said that the findings recorded by the courts below are perverse to any fact or record.

Once, learned counsel for the appellant-plaintiff has not been able to point out any perversity in the judgments of the courts below qua facts or the evidence in respect of the findings recorded therein, no ground is made out for any interference by this Court in the present regular second appeal.

Keeping in view the facts and circumstances recorded hereinbefore, the present regular second appeal is dismissed.

January 27, 2023
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No