

In the High Court of Punjab and Haryana, at Chandigarh**Regular Second Appeal No. 4781 of 2015 (O&M)****Date of Decision: 20.12.2023**

Ved Pal

... Appellant(s)

Versus

M/s Indian Drugs and Pharmaceuticals Limited and Others

... Respondent(s)

CORAM: Hon'ble Mr. Justice Anil Kshetarpal.

Present: Mr. S.K.Tripathi, Advocate
for the appellant(s).

Anil Kshetarpal, J.**CM-11464-C-2015**

1. For the reasons stated in the application, the same is allowed and delay of 496 days in filing the appeal is condoned.

RSA-4781-2015

2. The Regular Second Appeal in the States of Punjab, Haryana and Union Territory, Chandigarh is governed by Section 41 of the Punjab Courts Act, 1918 and not by Section 100 of the Code of Civil Procedure, 1908, as held by a five Judge Bench of the Supreme Court in *Pankajakshi (Dead) through LRs v. Chandrika and Others (2016) 6 SCC 157*.

3. In this regular second appeal, the correctness of the concurrent findings of facts, arrived at by both the Courts below, while dismissing the plaintiff's suit, is assailed.

4. The plaintiff has filed a suit for the grant of decree of declaration that he is entitled to the benefits of time bound promotion policy.

In substance, he claimed that he is entitled to be paid the pay scale of ₹1280-1830 w.e.f. 17.12.1996. The suit was filed on 22.09.2005. He took voluntary retirement and was relieved on 24.03.2003. The First appellate Court has held that such suit is not maintainable in view of the judgment passed by the Supreme Court in *A.K.Bindal v. Union of India (2003) 5 SCC 163*.

5. The learned counsel representing the appellant has failed to draw the attention of the Court to any error in the aforesaid findings.

6. Keeping in view the aforesaid facts, no ground is made out to interfere with the concurrent findings of facts arrived at by both the Courts below. Hence, the present appeal is dismissed.

7. The miscellaneous application(s) pending, if any, shall stand disposed of.

(Anil Kshetarpal)
Judge

December 20, 2023

“DK”

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No