

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

RSA-1753-2018

Reserved on: 30.11.2023

Date of decision: 05.12.2023

RAM ASRA

..Appellant

Versus

**SECRETARY EDUCATION DEPARTMENT
PUNJAB GOVT. AND ANR.**

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Sh. Ram Asra (appellant)
in person.

Mr. Vikas Arora, AAG, Punjab.

ANIL KSHETARPAL, J(Oral)

1. In this regular second appeal, the correctness of the concurrent findings of fact arrived at by the Courts below is challenged by the plaintiff. His suit for grant of compensation of Rs.5,00,000/- as damages for harassment caused to him, has been dismissed by both the Courts below. In substance, the appellant claims that he had to file two different writ petitions in the High Court to get his retiral dues from the respondents.

2. On appreciation of evidence, both the Court below have found that the plaintiff failed to lead sufficient evidence to prove the damages suffered by him. It has come on record that the appellant himself sought premature retirement in October, 2003. In February, 2004, the High Court issued directions to respondent to consider the claim of the appellant. Thereafter, his pension and gratuity is released, although, on the direction of the Court, once again the appellant filed the writ petition claiming that he has not been paid the entire amount as gratuity and pension, which was

again disposed of while directing the respondents to consider the claim of the appellant within a period of two months. The respondents while accepting the claim of the appellant granted him pension calculated on the basis of higher scale of pay. The plaintiff himself admitted that he was granted promotion, subject to the condition that he will clear the Punjabi type test but he never cleared the test during his services. Taking all these facts cumulatively into consideration, the Court has held that the plaintiff has not led sufficient evidence to prove that there was any wrong intention on the part of the respondents.

3. The appellant has appeared in person. He has been called upon to explain the reasons for interference in the judgment passed by the Courts below. He states that he has given reasons in the grounds of appeal. This Court has carefully read the grounds of appeal. In para 2, the facts have been stated. Thereafter, in the next para, the question of law has been proposed. Thus, it is evident that in the grounds of appeal also, the appellant has failed to draw the attention of the Court to any error.

4. Consequently, finding no merit, the appeal is dismissed.

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

December 05th, 2023

Ay

(ANIL KSHETARPAL)
JUDGE

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