

In the High Court of Punjab and Haryana, at Chandigarh

Civil Misc. No. 1178-C of 2024 And
Civil Misc. No. 1180-C of 2024 In/And
Regular Second Appeal No. 1866 of 2019

Date of Decision: 08.02.2024

Ishwar Singh Jaglan
... Appellant(s)

Versus

Muthoot Fincorp Limited and Others
... Respondent(s)

CORAM: Hon'ble Mr. Justice Anil Kshetarpal.

Present: Mr. Balkar Singh, Advocate
for the appellant(s).

Anil Kshetarpal, J.

CM-1178-C-2024

1. For the reasons stated in the application, the same is allowed and delay of 76 days in filing the application for restoration of the appeal is condoned.

CM-1180-C-2024

2. For the reasons stated in the application, the same is allowed. The appeal is ordered to be restored at its original number. With the consent of the learned counsel representing the appellant, the appeal is taken up on board for final disposal.

RSA-1866-2019

3. The learned counsel representing the appellant admits that the connected appeal filed by the appellant i.e. Regular Second Appeal No.

**Civil Misc. No. 1178-C of 2024 And
Civil Misc. No. 1180-C of 2024 In/And
Regular Second Appeal No. 1866 of 2019**

order:-

“1. The correctness of the concurrent findings of fact arrived at by the Courts below while partly decreeing the plaintiff’s suit is assailed before this Court. He filed a suit for recovery of Rs.1,25,000/-, which was decreed to the extent of Rs.32,400/-, whereas, the suit qua remaining amount was dismissed. The appellant is a retired person, who was earlier appointed as a Branch Manager by the defendant for a period of 18 months. He filed the suit claiming that he has not been permitted to resume work in the year 2014. The defendants while contesting the suit claimed that the work and conduct of the appellant was not satisfactory and despite intimation regarding the same, there was no improvement in his work and conduct. Moreover, the appellant misplaced the ‘Strong Room’ keys and security remote for which as per the terms of the contract, Rs.40,832/- has been recovered from him.

2. The trial Court partly decreed the suit and the plaintiff was held entitled to the recovery of Rs.2,000/- for N.C.D. incentive, Rs.21,600/- for earned leave encashment of 27 days and Rs.8,800/- for encashment of 7 sick leave plus 4 casual leave.

3. The First Appellate Court modified the decree passed by the trial Court and held that the appellant is only entitled to encashment of earned leave to the extent of 24 days.

**Civil Misc. No. 1178-C of 2024 And
Civil Misc. No. 1180-C of 2024 In/And
Regular Second Appeal No. 1866 of 2019**

4. *The learned counsel representing the appellant contends that the keys of the 'Strong Room' and security remote was misplaced due to an inadvertent error for which the appellant could not have been punished.*

5. *This Court has considered the submissions of the learned counsel representing the appellant.*

6. *Both the Courts have held that the recovery has been effected on the basis of terms of the engagement.*

7. *In view of the aforesaid facts, no ground to interfere is made out.*

8. *Dismissed accordingly.*

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

4. The learned counsel representing the appellant submits that the present appeal is required to be disposed of in terms Regular Second Appeal No. 5170 of 2019.

5. Ordered accordingly.

**(Anil Kshetarpal)
Judge**

February 08, 2024

"DK"

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No