

RSA-1295-1994

-1-

IN THE HIGH COURT OF PUNJAB & HARYANA AT  
CHANDIGARH

(206)

RSA-1295-1994  
Date of decision:- 19.01.2024

The Punjab State and another ... Appellants

Versus

Bimla Devi and others ... Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Vikas Arora, AAG, Punjab.

None for the respondents.

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SUVIR SEHGAL, J. (ORAL)

1. Appellants-defendants are in second appeal before this Court challenging the concurrent finding of fact recorded by both the Courts below.
2. Plaintiffs-respondents filed a civil suit averring that they are the heirs of Harbans Singh, who was a work charged P.R. Chowkidar in the office of District Food and Supplies Controller, Gurdaspur from 1980 onwards. He was on a regular post and unfortunately expired in harness on 12.10.1994. Claiming that they have not been given the benefit of Ex-gratia, family pension, gratuity etc., plaintiff-respondents moved a representation, which was rejected by the department, vide Memo dated 17.09.1988. Civil suit was filed by the respondents challenging the said order. Upon being served, appellants-defendants contested the suit *inter-alia* on the ground that as the deceased was a work charged employee,

RSA-1295-1994

-2-

compassionate appointment and other benefits could not be granted to his heirs. After contest, suit was accepted by the Trial Court by judgment and decree dated 28.04.1992, impugned order was declared as illegal and plaintiff-respondent No.1 was held entitled to be considered for appointment on compassionate basis. A decree was also passed that undisbursed amount due to them on account of the unfortunate demise be released. State-defendants remained unsuccessful in the first appeal.

3. Upon instructions, State counsel submits that the instant appeal was admitted by this Court on 25.07.1994 and during the pendency of the instant appeal, plaintiff-respondent No.1 was given compassionate appointment and has retired from service. He submits that in so far as the second relief granted by the Trial Court is concerned, decretal amount was released to the plaintiffs-respondents and by order dated 04.12.1995, which was made absolute on 21.12.1995, this Court restrained the appellants from effecting recovery from her.

4. Submissions made by the State counsel have been noticed. By efflux of time, nothing worthwhile survives in the appeal.

5. Accordingly, the judgments and decrees passed by both the Courts below are upheld and the instant appeal is dismissed.

19.01.2024  
Kamal

(SUVIR SEHGAL)  
JUDGE

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|---------------------------|--------|
| Whether Speaking/Reasoned | Yes/No |
| Whether Reportable        | Yes/No |