

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

201

RSA-1521-1995 (O&M)
Decided on : 19.01.2024

STATE OF PUNJAB & ANR.

...Appellants

Versus

GIRDHARI LAL

... Respondent

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

PRESENT: Mr. Rohit Ahuja, DAG, Punjab.

None for the respondent.

HARSIMRAN SINGH SETHI, J. (Oral)

In the present regular second appeal, the challenge is to the judgment and decree of the Court below by which, the suit filed by the respondent-plaintiff for the recovery of the amount which he had spent out of his own pocket while discharging his official duties alongwith interest was allowed by learned Trial Court and the judgment and decree has been upheld by the lower Appellate Court.

As per the fact which have come on record, the respondent-plaintiff who was working as an Inspector in the department of Food and Supply had spent a sum of Rs. 10,175/- from his own pocket, which were not being reimbursed by the Government.

As per the averments made, the respondent-plaintiff had given the weighment charges of the truck and trollies which were weighed during the period from April, 1987 to May, 1987 and he paid an amount of Rs.5490/-, Rs. 3,295/-and Rs. 1400/- for the weighment of the trucks and trollies on different occasions in the year 1987. The respondent- plaintiff claimed that the said amount of Rs. 10,175/- was spent by him from his own pocket which was liable to be reimbursed to him by the appellant-

defendant but the same was not reimbursed. He had already attached a receipt of payment of amount in question, the recovery of which was being sought from the Government.

Keeping in view the evidence which had come on record, the trial Court allowed the suit vide judgment and decree dated 11.01.1994 and directed the respondents to pay a sum of Rs. 13,147/- with proportionate cost and the interest @ 12% till the realization of the amount.

Feeling aggrieved against the said judgment and decree dated 11.01.1994, the appellant filed an appeal before the lower Appellate Court, which also came to be dismissed on 10.12.1994, resulting into the filing of the present regular second appeal.

Learned counsel for the appellants submits that though, it is a conceded fact that the respondent-plaintiff had spent certain amount for which the receipts were also shown but, the respondent-plaintiff had enough cash in hand on behalf of the department concerned hence, the statement that the said amount was spent by the respondent-plaintiff from his own pocket has wrongly been assessed by the courts below so as to decree the recovery suit alongwith interest.

There is no representation on behalf of the respondent.

With the help of learned counsel for the appellant, I have gone through the appeal as well as the record of the present appeal.

The lower Appellate Court, keeping in view the evidence which has come on record, has returned a categorical finding that even the defence witness namely, Sh. Harmohinder Singh, who was the Account Officer in the District Food & Supplies Department, could not substantiate the fact that the respondent-plaintiff had enough cash in his hand so as to make the payments on behalf of the department concerned. He has submitted

that the said cash in hand which was given to the respondent-plaintiff was for specific purpose i.e. salaries of the Chowkidars for the purchase of uniform for the Class-IV employees and for the miscellaneous expenses like electricity charges.

Learned counsel for the appellant has not been able to dispute the said fact that once, the amount which was being termed as ‘cash in hand’ was for other purposes than for the payment of the weighing charges of the truck and trollies and for the purchase of the tubes, hence, it cannot be said that the findings recorded by the Courts below are perverted in any manner.

Keeping in view the above fact that learned counsel for the appellant has not been able to point out any perversity in the judgment and decree passed by the Courts below, this Court in the regular second appeal would not like to re-appreciate the fact so as to come at a different conclusion that one arrived at by the Courts below.

Keeping in view the facts and circumstances of the present case recorded herein above, no ground is made out for interference in the present case, hence the present appeal stands **dismissed**.

Pending civil miscellaneous application, if any, shall also stand disposed of.

19.01.2024

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Whether speaking/reasoned:

Whether Reportable:

Yes/No

Yes/No

(HARSIMRAN SINGH SETHI)
JUDGE