

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

(102)

RSA-2792-1995

Date of Decision : January 24, 2024

Managing Director, HAFED

.. Appellant

Versus

SC Jindal and others

.. Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Rajinder Goel, Advocate, for the appellant.

HARSIMRAN SINGH SETHI J. (ORAL)

1. In the present appeal, the challenge is to the judgment and decree of the Courts below by which, the suit filed by the respondent-plaintiff has been decreed.

2. Learned counsel for the appellant argues that the challenge in the suit was with regard to Exhibit P-7 whereby, the recovery was imposed upon the respondent-plaintiff, which recovery was held to be bad by the Courts below on the ground that the respondent-plaintiff had no role to play in the payment of excess amount to the driver namely Sultan Singh as being alleged in the said recovery notice.

3. Learned counsel for the appellant submits that once, the Department had already passed an order of recovery, the Courts below did not had jurisdiction appreciate the fact as to whether, the recovery is valid or not.

4. Qua the said argument, it may be noticed that both the Courts below have come to the conclusion that there was no power with the respondent-plaintiff to pass any order qua the suspension of the driver namely Sultan Singh. Further, the respondent-plaintiff had no role in making excess payment to the said Sultan Singh so as to not deduct his salary while making the payment of subsistence allowance.

5. Learned counsel for the appellant has not been able to prove as to how the findings recorded by the Courts below are perverse in any manner qua the jurisdiction of the respondent-plaintiff with regard to the making of excess payment to driver Sultan Singh during his suspension period.

6. In the absence of any perversity being shown to this Court, the finding of fact which have been recorded by the Courts below so as to allow the suit and dismiss the appeal need not to be interfered with.

7. No other argument was raised.

8. Keeping in view the above, in the absence of any perversity being brought to the notice of this Court qua the finding of the fact, no relief can be granted to the appellant in this regular second appeal.

9. Dismissed.

January 24, 2024
harsha

(HARSIMRAN SINGH SETHI)
JUDGE

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