

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH
(Sr. No. 211)

(1)

RSA No. 5976 of 2015 (O&M)
Date of Decision : 23.04.2024

Sangrur Central Co-operative Bank Limited through its District
Manager

...Appellant

Versus

Gian Chand and others

...Respondents

(2)

RSA No. 2290 of 2017 (O&M)

Sangrur Central Co-operative Bank Limited

...Appellant

Versus

Surinder Singh and another

...Respondents

(3)

RSA No. 5380 of 2016 (O&M)

Sangrur Central Co-operative Bank Limited

...Appellant

Versus

Hazoor Singh and another

...Respondents

(4)

RSA No. 5978 of 2015 (O&M)

Sangrur Central Co-operative Bank Limited through its District
Manager

...Appellant

Versus

Sajjan Singh and others

...Respondents

(5)

RSA No. 5980 of 2015 (O&M)

Sangrur Central Co-operative Bank Limited through its District
Manager

...Appellant

Versus

Ranbir Singh Johal and others

...Respondents

(6)

RSA No. 5982 of 2015 (O&M)

Sangrur Central Co-operative Bank Limited through its District
Manager

...Appellant

Versus

Sukhwinder Singh and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Sumeet Puri, Advocate for the appellant
in all the cases. (Joined through Video Conferencing)

Mr. Rajbir Singh, Advocate for respondent No. 1
in all cases.

Mr. Manbir Singh, Advocate for
Mr. Ashwani Prashar, Advocate for respondent-Punjab
State Cooperative Bank Limited.

Harsimran Singh Sethi J. (Oral)

1. The present six appeals, the details of whom have been given in the heading, have been filed challenging the judgments and decrees of the courts below by which, the suit filed by the respondents-plaintiffs challenging the order dated 30.12.2011 has been allowed and the appeal filed by the appellants-defendants has been dismissed. In all the appeals, same issue has been raised.

2. By the impugned order dated 30.12.2011, the appellants-defendants decided to reduce the pay of the respondents-plaintiffs from ₹14,250/- to ₹13,700/- so as to recover an amount of ₹1,11,895/-. Against the said order, the respondents-plaintiffs filed a civil suit and the trial court, on the basis of facts and evidence which came on record, allowed the suit vide judgment dated 02.08.2014 holding that the said impugned order has been passed without considering the actual facts and without giving any opportunity of hearing to the respondents-plaintiffs. It has also been recorded by the trial court that the pay of the respondents-plaintiffs was stepped up keeping in view the fact that the employee junior to the respondents-plaintiffs was getting higher pay, hence, recovery could not have been done under any circumstances. Against the said judgment and decree of the trial court, the State preferred an appeal before the lower appellate court which was also dismissed vide judgment and decree dated 03.08.2015, hence, the present regular second appeal.

3. On being asked, to point out any perversity in the order passed, keeping in view the facts and evidence, which has come on record, learned counsel for the appellants-defendants has not been able to point out any perversity in the judgment passed by the courts below. Learned counsel for the appellants-defendants has not been able to point out that any material fact/evidence, which was brought on record, has not been considered by the courts below while passing the judgments and decrees in favour of the respondents-plaintiffs.

4. It may be noticed that the learned counsel for the appellants-defendants have tried to re-argue the case today before this Court to re-appreciate the facts/evidence so as to arrive at a different conclusion so as to hold that keeping in view the facts and circumstances of the present case, the order dated 30.12.2011 was perfectly valid.

5. It is a settled principle of law that in the regular second appeal, a case cannot be re-argued so as to re-appreciate the facts and evidence on record so as to come to a different conclusion than the one arrived at by the courts below. The jurisdiction in the regular second appeal is to see as to whether, the judgments and decrees of the courts below are perverse towards the facts and evidence on record.

6. In the present case, no perversity has been pointed out by the learned counsel for the appellants-defendants qua the findings recorded by both the courts below, which have gone against the appellants-defendants.

7. Keeping in view the above, as no perversity has been pointed out by learned counsel for the appellants-defendants, no ground is made out for any interference and all the appeals are accordingly dismissed.

8. Pending miscellaneous application, if any, also stands disposed of.

A photocopy of this order be placed on the file of connected cases.

April 23rd, 2024
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No