
(2004) 05 AHC CK 0126
In the Allahabad High Court
Case No : Special Appeal No. 528 of 2004

Triloki Chandra Lal (T.C. Lal)

APPELLANT

Vs

State of U.P. and Others

RESPONDENT

Date of Decision : 10-05-2004

Acts Referred:

Citation : (2004) 3 AWC 2345

Hon'ble Judges : M. Katju, J;K.N. Ojha, J

Bench : Division Bench

Advocate : K.S. Tewari, for the Appellant; P. Padia, S.C., for the Respondent

Final Decision : Dismissed

Judgement

M. Katju and K.N. Ojha, JJ.—This special appeal has been filed against the impugned judgment of the learned single Judge dated 7.4.2004.

2. Heard learned counsels for the parties.

3. We have carefully perused the impugned judgment of the learned single Judge and find no infirmity in the same.

4. Admittedly according to petitioner's High School certificate and Service Book record he was to retire on 31.1.1997 on completing the age of 60 years, but it appears that he continued to work till 9.10.1998 and was paid salary till June, 1998. We fail to understand how he continued to work after 31.1.1997 which was his date of retirement. Hence, the salary, arrears and allowances after 31.3.1997 must be recovered from his retiral benefits.

5. Learned counsel for the appellant submitted that there is nothing to show that the appellant continued after 31.1.1997 by some manipulation. In our opinion, there is no merit in this submission. Firstly, whether there was manipulation or not is really irrelevant as the appellant had no right to continue in service after 31.1.1997. Moreover, there is such a thing as circumstantial evidence also, and all proof does not have necessary to be by direct evidence. There is a Latin

maxim "res-ipsa loquitur" which means "the matter speaks for itself.

6. When the petitioner knew that he was to retire after 31.1.1997 but he continued till October, 1998 then a reasonable inference can be drawn that he continued after his date of superannuation by some manipulation, even if there is no direct evidence to support this conclusion.

7. With the aforesaid observation this appeal is dismissed.