

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

Civil Revision No.1412 of 2015

Date of decision: 24.2.2016

Karamjit Singh

... Petitioner

Versus

Punjab State Electricity Board and others

... Respondents

CORAM: HON'BLE MR. JUSTICE K.KANNAN

Present: Mr.Mayank Mathur, Advocate,
for the petitioner.

Ms.Jaspal Kaur Gurna, Advocate,
for the respondents.

1. To be referred to the Reporters or not?
2. Whether the judgment should be reported in the Digest?

K.KANNAN, J. (Oral)

The petitioner is the plaintiff who filed a suit challenging the termination order said to have been made on 25.8.2004. At the trial, in the cross-examination, it would appear that it was elicited from the plaintiff that he had given representations against the order of termination to higher authorities.

After evidence in Court, the plaintiff appears to have sought information through Right to Information Act and elicited information that one of his representations was treated as an appeal and the appeal was dismissed in 2005.

The plaintiff has now attempted to bring a challenge to an order passed by the higher authorities on the ground that the order was not even communicated to him and it is null and void.

Admittedly, there was no defence that the order of termination passed by the 2nd defendant was not the final order and it had been superseded by its another order passed in the year 2005 and that the suit was not competent. There is no such contention in the defence. It is, therefore, incompetent for the defendants to make reference to any other order of the appellate authority is required to be challenged.

The suit will only be decided on the validity or otherwise the order passed in the year 2004 and taking note of the objections regarding the point of limitation taken by the defendants. An amendment which is now sought to be made of an order which was not even communicated to the plaintiff would unnecessarily bring fresh problems for the plaintiff himself and there could be also other issues on point of limitation to the new order which is sought to be assailed through an amendment. There is no compulsion to challenge an order which is not set up against the plaintiff. The order already passed is maintained and the revision petition is dismissed.

(K.KANNAN)
JUDGE

February 24, 2016

Paritosh Kumar