

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

RSA No. 1156 of 1991 (O&M)

Date of decision:02.09.2016

The State of Punjab and another

....Appellants

Versus

Amar Singh

....Respondent

CORAM: HON'BLE MR. JUSTICE P.B. BAJANTHRI

Present: Mr. Rahul Verma AAG, Punjab.

None for the respondent.

P.B. BAJANTHRI, J. (Oral)

Case called twice. None has appeared on behalf of the respondent and the matter is of the year 1991. Hence, matter is heard.

The appellants-State have questioned the order of the trial Court dated 21.07.1990 and the appellate Court order dated 07.01.1991.

The respondent while working as Conductor with the Punjab Roadways was subjected to 17 disciplinary proceedings. All the 17 disciplinary proceedings concluded in imposing penalty of stoppage of increments with or without cumulative effect, withholding/stopping of one, two and three increments. These are as follows:

- “1- One increment stopped with cumulative effect vide order dated 9.9.81 (P-2)
- 2- Two increments stopped with cumulative effect vide order dated 29.10.81 (P-3).
- 3- Three increments stopped with cumulative effect vide order dated 13.8.82 (P-4).
- 4- Two increments stopped with cumulative effect vide order dated 6.10.82 (P-5)

- 5- *One increment stopped with cumulative effect vide order dated 13.2.82 (P-6).*
- 6- *Two increments stopped with cumulative effect vide order dated 3.8.83 (P-7)*
- 7- *Two increments stopped with cumulative effect vide order dated 4.8.83 (D-2)*
- 8- *Two increments stopped with cumulative effect vide order dated 10.3.83 (P8 and P16)*
- 9- *Three increments stopped with cumulative effect vide order dated 27.9.84 (P-9)*
- 10- *One increment stopped with cumulative effect vide order dated 24.2.87 (P-10).*
- 11- *One increment stopped with cumulative effect vide order dated 11.2.87 (P-11)*
- 12- *One increment stopped with cumulative effect vide order dated 26.8.87 (P-12).*
- 13- *Two increment stopped without cumulative effect vide order dated 31.1.88 (P-13)*
- 14- *One increment stopped without cumulative effect vide order dated 1.12.88 (P-14)*
- 15- *One increment stopped with cumulative effect vide order dated 8.12.89 (P-15)*
- 16- *One increment stopped with cumulative effect vide order dated 10.3.83 (P-16)*
- 17- *Three years time scale effect vide order dated 29.2.88 (P-17)."*

The trial Court held that Ex. P-2 to P-8, Ex. P-12 to P-16 and Ex. D-2 are non-est. The appellate Court confirm the order of the trial Court. Thus the appellants-State has presented this RSA.

Learned State counsel submits that Ex. P-9 to P-11 and P-17 are held to be speaking order as per the trial Court decision. In so far as Ex. P-2 to P-8, P-12 to P-16 and Ex. D-2 are concerned, they are barred by limitation, for the reasons that those orders were passed during the year 1981 to 1983, whereas the suit was filed in the year 1989. He further contends that Ex. P-12 to P-15 are within the limitation. Therefore, the trial Court decision is liable to be set aside on the ground of limitation.

Perusal of Ex. P-2 to P-8, Ex. P-12 to P-16 and Ex. D-2, which were passed in the year 1981-83, the trial Court should not have entertained the suit against aforesaid orders on the ground of

limitation. Thus, the trial Court has erred in setting aside the aforesaid exhibits and to that extent trial Court decision is modified, while upholding Ex. P-2 to Ex.P-8, Ex. P-12 to P-16 and Ex. D-2 on technical ground of limitation. Rest of the exhibits as considered by the trial Court are upheld.

Appeal stands disposed of.

02.09.2016

PA

(P.B.BAJANTHRI)
JUDGE

Whether speaking/reasoned Yes/No

Whether reportable Yes/No