

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

377

**RSA No. 1287 of 1991(O&M)
Date of decision:06.10.2016**

State of Punjab and another

.... Appellants

Versus

Assa Singh and others

.... Respondents

CORAM: Hon'ble Mr. Justice P.B. Bajanthri

Present: Mr. Rahul Verma, AAG, Punjab.

Mr. Vikas Singh, Advocate for the respondents.

P.B. Bajanthri, J. (Oral)

In the present appeal, the appellants-State have assailed order of the trial Court dated 04.04.1989 and order of the appellate court dated 17.01.1991.

2. The respondent-workman was appointed as a Driver and he was working as such. His services were terminated on 13.12.1976. He had filed suit on 25.03.1988. Suit was decreed in favour of the respondent-workman on 04.04.1989. Feeling aggrieved by the order of the decree, the appellants have preferred an appeal before the appellate court. The appellate court affirmed the order of the trial court. Thus, the present appeal has been presented.

3. Learned counsel for the appellants vehemently contended that suit is barred by limitation. On that score itself claim of the respondent-workman is liable to be rejected. Thus, the trial court as well as appellate

court has erred in granting relief to the respondent-workman.

4. On the other hand, learned counsel for the respondent submitted that both the trial court and appellate court have appreciated that the order of termination is a void order. Therefore, there is no infirmity. Even if there is a delay in challenging void order, the delay would not be a hurdle for quashing the void order of termination in the present case.

5. Heard learned counsel for the parties.

6. Perusal of the dates and events, it is evident that even though the respondent-workman's services were terminated on 13.12.1976, he has been taken back to duty on 12.05.1989 pursuant to the decree passed by the trial court on 04.04.1989 and thereafter, he discharged the duties of the post till 31.07.1995 the date on which he died while he was in service.

7. In view of these facts and so also enormous delay of 12 years in questioning the order of termination in a suit, the respondent-workman is not entitled for the back wages.

8. Accordingly, order of the trial Court dated 04.04.1989 and order of the appellate court dated 17.01.1991 are modified to the extent that the respondent-workman is not entitled for back wages.

9. Appeal stands disposed of.

06.10.2016

pooja saini

**(P.B.BAJANTHRI)
JUDGE**

Whether speaking/reasons

Yes/No

Whether Reportable:

Yes/No