

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

379

**RSA No. 1311 of 1991 (O&M)
Date of decision: 31.08.2016**

State of Punjab and others

.... Appellants

Versus

Beant 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)

Matter called twice but none appears on behalf of the respondent.

2. In the instant appeal, the appellant-State of Punjab have assailed the order passed by the trial court dated 15.09.1990 and order of appellate court dated 04.01.1991.

3. The respondent-Beant Singh who was working as Booking Clerk in Punjab Roadways was subjected to disciplinary proceedings in 4 matters which were concluded in imposing penalty of stoppage of increment etc. on 15.04.1966, 04.11.1967, 04.12.1967 and 24.01.1968. Both the courts below have held that orders are liable to be set aside as orders are void.

4. Short question for consideration in the present appeal is whether void order can be challenged at any point of time and the limitation would not come in the way of interference with the void order or not?

5. Learned counsel for the appellant submitted that the Limitation Act equally applies for even in challenging to void orders. He relied on decision of the Supreme Court reported in 1991(3) SCT 91 titled as ***State of Punjab and others versus Gurdev Singh and Ashok Kumar*** wherein the Supreme Court has held as under:

“8. It will be clear from these principles, the party aggrieved by the invalidity of the order has to approach the Court for relief of declaration that the order against him is inoperative and not binding upon him. He must approach the Court within the prescribed period of limitation. If the statutory time limit expires the Court cannot give the declaration sought for.”

In view of the decision of the Apex Court, order of the trial court dated 15.09.1990 and order of appellate court dated 04.01.1991 are set aside.

Disposed of.

31.08.2016

pooja saini

(P.B.BAJANTHRI)
JUDGE

Whether speaking/reasons

Yes/No

Whether Reportable:

Yes/No