

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

RSA No.1533 of 1991

Date of Decision:26.10.2016

State of Punjab and others

... Appellants

Vs.

Gian Chand

... Respondent

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

Present : Mr. Rahul Verma, A.A.G. Punjab,
for the appellants.

P.B. BAJANTHRI J.

The appellants have questioned the validity of the appellate court order dated 22.2.1991 passed in Civil Appeal No.43 of 1990.

The respondent who was working as a conductor in the Punjab Roadways, Pathankot Depot, has presented the civil suit before the trial court in the month of August 1986 challenging the validity of the following orders:

- “1. No.6763/ECC. Dated 6.3.73
2. 1345/Ecc dated 26.9.78
3. 2805/ST/GM dated 25.7.78
4. 1839/TA dated 26.9.1978
5. No.1832/TA dt. 26.9.78
6. No.2518/ST/GM dated 14.12.78
7. No.3034/ST/GM dated 27.2.79
8. No.3868/ST/GM dated 27.6.79”

The above orders were passed in disciplinary proceedings by imposing various penalties. The trial Court dismissed the suit on the ground

of limitation. Feeling aggrieved by the order of the trial Court dated 4.2.1989, the respondent preferred an appeal before the appellate court. The appellate court held that in respect of imposing of penalty in departmental inquiry question of delay would not arise, thus, reversed the decision of the trial Court. Hence, the appellants are before this Court questioning the decision of the appellate court dated 22.2.1991.

Learned counsel for the appellants vehemently contended that suit filed by the respondent rightly dismissed on the ground of delay/limitation. In support of the decision of the trial Court, learned counsel for the appellants relies on the decision of the Supreme Court in *State of Punjab and others v. Gurdev Singh and Ashok Kumar*, 1992 AIR (SC) 111 to contend that if there is belated limitation before the trial Court in respect of departmental inquiry, provision of the Limitation Act is attracted. Therefore, the appellate court has erred in reversing the order of the trial court.

In view of the decision of the Supreme Court in *Gurdev Singh's* case (supra) that provisions of Limitation Act is attracted in respect of disciplinary proceedings before the trial Court, the appellate court order dated 22.2.1991 is set aside while affirming the order of the trial Court dated 4.2.1989.

The appeal stands allowed.

26.10.2016
rajeev

(P.B. Bajanthri)
Judge

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No