

201

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

RSA-81-1991 (O&M)

Date of Decision : 30.11.2017

The State of Punjab and others

..... Appellants

Versus

Sh. Iqbal Singh

..... Respondent

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present : Mr. H.S. Sitta, A.A.G., Punjab
for the appellants.

Respondent proceeded against ex-parte.

AJAY TEWARI, J. (ORAL)

This appeal has been filed against the concurrent judgments of the courts below decreeing the suit of the respondent which was filed on 24.12.1985.

By the said suit the respondent had challenged various orders imposing penalty upon him. His primary ground was that before passing various orders no opportunity of hearing was granted or no show-cause notice was issued or inquiry was held. Both the courts below concurrently found on fact that no charge-sheet or show-cause notice was issued or inquiry held or opportunity of being heard granted to the respondent.

Consequently, the courts below set aside the orders of punishment.

The argument raised by the learned Assistant Advocate General is that the respondent had challenged 13 orders of punishment and qua four orders, i.e. those dated 13.07.1978, 04.11.1978, 12.12.1978 and 06.07.1979, the suit was barred by limitation.

At first blush the argument of the learned Assistant Advocate General is attractive. However, it would be seen that by all these 4 orders the annual increment of the respondent was stopped with cumulative effect and thus the impact of the orders would be felt by the respondent throughout his career. In the circumstances, the relief could not have been denied to him though the same could have been limited so as to bring it within limitation. It is not disputed that the annual increment of the respondent fell on 01st January every year. Resultantly, the courts below should have modulated the relief. Thus, after setting aside these orders of punishment it has to be held that the resultant increments which would have to be released to the respondent would be postponed so as to bring the release of those increments within limitation and thus increments would have to be released w.e.f. 01.01.1983 (since the suit was filed on 24.12.1985) instead of the different due dates.

Appeal is disposed of in the above terms. No costs.

Since the main case has been decided, the pending Civil Misc. Application, if any, also stands disposed of.

November 30, 2017
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(AJAY TEWARI)
JUDGE

Whether speaking/reasoned - Yes/No

Whether reportable - Yes/No