

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

RSA No.658 of 1995

Date of decision: 17.05.2017

Pepsu Road Transport Corporation, Patiala & anr. ... Appellants

vs.

Teja Singh ... Respondent

CORAM: HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr. Vishal Moudgil, Advocate
for the appellant.

Ms. Sukhmani Tiwana, Advocate
for the respondent.

RAJIV NARAIN RAINA, J.(ORAL)

The order impugned in the civil suit No.411 dated 24.07.1992 was a punishment order of stoppage of two annual increments of the plaintiff with cumulative effect. This was a major punishment imposed upon the plaintiff on 02.12.1983. The suit was clearly barred by time having been brought after three years of the accrual of the cause of action.

The appeal is covered in favour of the appellant-Corporation by the decision of the Supreme Court in 'State of Punjab vs. Gurdev Singh', AIR 1991 SC 2510. The Courts below have failed to apply the law laid down in Gurdev Singh's case(supra) and held that the cause of action is recurring in nature and the suit should not be thrown out due to technicalities.

This is an erroneous approach to the question of limitation, which has been considered, dealt with and decided pointedly by the Supreme Court in

Gurdev Singh's case (supra). Therefore, I am constrained to hold that the suit

was barred by limitation and as a result, the judgment and decree passed by learned Addl. District Judge, Bathinda on 03.10.1994 has to be set aside and the suit dismissed as barred by time.

Accordingly, the appeal is allowed.

(RAJIV NARAIN RAINA)
JUDGE

17.05.2017
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| 1. Whether speaking/non-speaking? | Yes |
| 2. Whether reportable? | No |