

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

202

**RSA No.2152 of 2012 (O&M)
Date of Decision : 21.09.2017**

Narinder Singh

..... Appellant

Versus

The State of Punjab and another

..... Respondents

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present : Mr. Vijay Lath, Advocate for the appellant.

Mr. H.S.Sitta, Asstt. Advocate General, Punjab.

AJAY TEWARI, J. (Oral)

This appeal has been filed against the concurrent judgments of the Courts below.

Learned counsel for the appellant states that he is primarily aggrieved by the fact that his appeal was dismissed by the appellate Court holding that his suit was barred by limitation but this could not have been so done because what the appellant was claiming was step-ups from a particular date and the denial thereof had resulted in a recurring loss of income and at the most if he had been found entitled the benefits could have been restricted but the suit could not have been dismissed on the ground of limitation.

The Assistant Advocate General is not in a position to deny the logic of this argument. It has been repeatedly held that in a suit where higher salary/pension is claimed limitation can not be a complete bar though

the relief can be limited to the period within limitation.

I find from the record that this suit was filed as far back as in 2008 is therefore now almost a decade old. Consequently, I do not deem it appropriate to admit this appeal.

The appeal is allowed. The judgments of the lower appellate Court dismissing the appeal on the ground that the suit itself was barred by limitation is set aside and the matter is remanded back for a fresh decision in accordance with law.

Since the main case has been decided, the pending civil miscellaneous application, if any, also stands disposed of.

(AJAY TEWARI)
JUDGE

21.09.2017
pooja sharma-I

Whether speaking/reasoned - Yes/No

Whether reportable - Yes/No