

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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RSA No.2260 of 2016 (O&M)
Date of Decision : 06.09.2017

Jagdish Singh Tanwar

..... Appellant

Versus

Union of India and others

..... Respondents

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present : Sh.Jagdish Singh Tanwar-Appellant in person.

Mr. Vikram Rathore, Advocate for
Mr. I.S.Sidhu, Advocate
for the respondents.

AJAY TEWARI, J. (Oral)

This appeal has been filed against the concurrent dismissal of the suit of the appellant.

The appellant is stated to have joined as an Upper Division Clerk in the office of Accountant General, Punjab at Simla on 01.09.1969. By an order dated 17.02.1986 he was dismissed from service. This suit was filed in the year 2007 claiming that he would attain the age of retirement on 30.09.2006 and therefore he should be granted pension. Both the Courts dismissed the suit and the Appellate Court specifically held as follows :-

“.....Moreover, the plaintiff has been dismissed from the service way back in 1986 and he did not bother to challenge this order. He has challenged this order only when date of superannuation comes in 2006. Such date of superannuation comes if any employee do the service

throughout up to the date of superannuation. Once the appellant plaintiff has been dismissed way back in 1986 so he did not get the cause of action after passing over date of his superannuation. It is not explained why he remained mum for so many years for seeking any remedy from the Courts. Moreover, he has filed civil writ petition before Hon'ble High Court and same has been dismissed. Nothing has been proved on record by him that he got cause of action after 2.9.86. In considered view of this Court, the learned trial Court has rightly taken the view that neither plaintiff has any cause of action and he has been rightly dismissed by the competent authority. Moreover, he has no cause of action in 2006 and if there was any cause of action first time arose to him that was in 1986. The suit for declaration has to be filed within limitation of three years.....”

The appellant who is before me present in person has argued that once the order of dismissal was patently illegal he did not have to challenge the same.

In my opinion, this is not a correct position of law.

Appeal is dismissed. No costs.

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

(AJAY TEWARI)
JUDGE

06.09.2017
pooja sharma-I

Whether speaking/reasoned	-	Yes/No
Whether reportable	-	Yes/No