

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

RSA No. 5983 of 2014 (O&M)
Date of decision : November 09, 2017

Er. Yash Pal Garg,

..... Appellant

v.

Punjab State Electricity Board (now PSPCL) and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. SS Gurna, Advocate
for the appellant.

Mr. YP Khullar, Advocate
for the respondents.

Ajay Tewari, J (Oral)

This appeal has been filed against the judgment of the trial Court vide which the suit of the appellant was dismissed, and the judgment of the lower appellate Court, vide which his appeal was partly allowed.

Brief facts are that the appellant had been charge-sheeted and a punishment of stoppage of two increments with cumulative effect and recovery was imposed against him. He filed an appeal which was dismissed being time barred. He filed the instant civil suit challenging those orders which was dismissed by the trial Court. However, in an appeal, some relief was granted to the appellant in so much as the order of recovery was set aside, and that is how he is before this Court.

At the very outset, counsel for the respondents has argued that

the appellant did not take care to file a departmental appeal within time and, therefore, the civil suit was not maintainable.

Counsel for the appellant has argued that the impugned order was actually served upon the appellant on 29.12.2008 and he filed an appeal on 9.1.2009 within a period of 10 days and, therefore, the argument that the appeal was time barred is wrong. Counsel for the respondents points out that it had come in the written statement that the impugned order was sent by a registered post to the appellant on 12.7.2008 and in his cross-examination the appellant had admitted this fact. He has also shown to me relevant part of the cross-examination of the appellant.

In this view of the matter, it has to be held that the impugned order was served upon the appellant but he filed an appeal after one and half year. Once that appeal was rightly dismissed on the ground of limitation, no relief could be granted to the appellant. However, since the respondents have not filed any appeal challenging the relief which has been granted to the appellant by the lower appellate Court, I do not deem it appropriate to interfere with the same. Nevertheless, this appeal is dismissed.

Since the main case has been decided, the pending C.Ms, if any, also stand disposed of.

November 09, 2017
'kk'

(AJAY TEWARI)
JUDGE

Whether speaking/reasoned:
Whether Reportable:

Yes/No
Yes/No