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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CR-4203-2015 (O&M)
Date of decision : 31.01.2019

Didar Singh

... Petitioner

Versus

Principal, Sri Guru Gobind Singh College, Sector 26, Chandigarh and others

... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. Gurcharan Dass, Advocate
for the petitioner.

Mr. Gagneshwar Walia, Advocate
for the respondents.

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AMIT RAWAL, J. (ORAL)

The present revision petition is directed against the order dated 16.01.2015 (Annexure P-23), whereby the application for condonation of delay of eight years in filing the appeal before the Tribunal, against the order dated 17.03.2006, has been dismissed.

Learned counsel for the petitioner submitted that while the petitioner was working as Superintendent with Sri Guru Gobind Singh College/respondent, affiliated with Panjab University, the College Management, vide order dated 17.03.2006 (Annexure P-14), had decided to recover the amount of ₹ 58911/- in 12 equal monthly installments and his pay and allowances were protected and restricted to ₹16323/- per month. The petitioner continued to make the representations dated 23.10.2008, 10.12.2008 and 03.03.2009 (Ex.P18, Ex.P19 and Ex.P20), but the respondents having failed to adhere and filed the appeal against the impugned order dated 17.03.2006, in the year 2014. Non-payment of pay is

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reckoning cause of action and the provisions of Limitation Act would not apply. In support of his contentions, reliance has been laid to the ratio decidendi culled out by Hon'ble the Supreme Court in ***"M.R. Gupta, V/s Union of India and others" 1996 AIR (SC) 669***.

Learned counsel for the respondents submitted that making of representations would not enlarge the time as the person has to avail the appropriate remedy, within the limitation or the reasonable time.

I have heard learned counsel for the parties, appraised the paper book and of the view that there is no force and merit in the submissions of Mr. Gurcharan Dass.

The judgment cited supra, was in respect of entitlement of a pay in accordance with the Rules. Here in the case in hand, the impugned order, as noticed above, had ordered for recovery of ₹58,911/- by fixing the pay @ 16,323/- per month. Representations without availment of the remedy of appeal before the Tribunal vested of the Additional District Judge, cannot be a ground for seeking condonation of delay and reckoning cause of action.

Keeping in view the aforementioned facts, the impugned order, under challenge, cannot be said to suffering from illegality and perversity. No ground is made out for interference.

Accordingly, the present revision petition is dismissed.

31.01.2019 **(AMIT RAWAL)**
Yogesh Sharma **JUDGE**

Whether speaking/reasoned **Yes/ No**

Whether Reportable **Yes/ No**