

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

**RSA No.640 of 2018
Date of Decision : 23.10.2019**

Bijender Singh

.....Appellant

Versus

Union of India and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE ARUN PALLI

Present: Mr. Sanjay Mittal, Advocate for the appellant.

ARUN PALLI, J. (Oral)

Suit filed by the appellant-plaintiff was dismissed by the trial Court vide judgment and decree dated 20.01.2016, and as even the appeal preferred against the said decree failed and was dismissed on 28.08.2017, he is before this Court in Regular Second Appeal. Parties to the lis, hereinafter, shall be referred to by their original positions in the suit.

Plaintiff prayed for a declaration that order of his dismissal from service was illegal, against facts and law as also the service rules. Therefore, he was entitled to be reinstated in CRPF service from the date of his dismissal along with all consequential benefits.

In the written statement filed by the defendants it was pleaded inter alia that services of the plaintiff were terminated by RTC Pallipuram, for, he had produced a fake educational certificate. The matriculate certificate placed with the excess/surplus service book of the plaintiff was got verified whereupon a letter was issued by the Board which was

forwarded to GC, CRPF, vide letter dated 6.3.2012, for further necessary action. Further, the Civil Court at Narnaul had no jurisdiction to try and entertain the present suit, thus, the same was liable to be dismissed.

Upon consideration of the matter in issue and the evidence on record both the Courts concurrently concluded that in terms of the provisions of Section 33 of The Armed Forces Tribunal Act 2007, no Civil Court has or is entitled to exercise such jurisdiction, power or authority in relation to those service matters. Thus, the Civil Court had no jurisdiction to entertain the present suit.

Further, the plaintiff was enrolled into CRPF on 12.09.1989 and in the year 1990, he proceeded on casual leave for a month. However, when he returned on completion of his leave he was not allowed to enter in the unit, for, he had already been dismissed from service owing to verification of his matriculation certificate obtained by him from Vachaspati Bhawan, Uttam Nagar, New Delhi, which was found to be fake during inquiry. Thus, service of the plaintiff were terminated by RTC Pallipuram for producing fake educational certificate. Concededly, plaintiff was terminated from service in the year 1990 whereas the present suit was filed after around 22 years on 14.05.2012 and, therefore, suit besides being not maintainable was even barred by time.

On being pointedly asked, learned counsel for the appellant could not refer to anything on record to show if the conclusions recorded by both the Courts were either contrary to the record or suffered from any material illegality. No ground is made out to interfere with the concurrent

findings recorded by both the Courts below. The appeal being devoid of merit is accordingly dismissed.

23.10.2019

Manoj Bhutani

(ARUN PALLI)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No