

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

**R.S.A.No.2331 of 2019 (O&M)
Date of Decision: 06.09.2023**

Bal Kishan Gupta

.....Appellant

Versus

Punjab National Bank and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr. Vijay Sharma, Advocate
for the appellant.

ANIL KSHETARPAL, J.(Oral)

1. The correctness of concurrent findings of fact arrived at by the Courts below while dismissing the plaintiff's suit for grant of decree of declaration with a consequential relief of permanent injunction has been assailed in this Regular Second Appeal by the plaintiff. The disciplinary authority punished the appellant after holding a regular inquiry with stoppage of one increment with cumulative effect vide order dated 18.12.1990 whereas the plaintiff filed the suit on 27.03.2009. Both the Courts below, after examining the case on merits, have recorded a finding of fact i.e. suit filed by the plaintiff was beyond the prescribed period of limitation.

2. It has come on record that the appellant was absent though he

was never granted extension in the leave. He was also disobeying the orders of his superiors. Moreover, the suit was filed after a period of 19 years to challenge the correctness of order of punishment.

3. Hon'ble Supreme Court of India in *State of Punjab vs. Gurdev Singh (1991) 4 SCC I* has held that even a void order is required to be challenged within the period of limitation. In the *State of Punjab vs. Rajinder Singh, 1999 SCC (Labour & Service) 664* held that the order stopping the increment does not give right to a continuous cause of action and the order is required to be challenged within a period of three years.

4. Keeping in view the aforesaid facts, no ground to interfere is made out.

5. Appeal stands dismissed.

September 06, 2023

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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned:
Whether Reportable:

Yes
No