

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

**RSA-203 of 1993 (O&M)
Date of Order: 09.08.2023**

The State of Punjab and others

.Appellants

Versus

Parkash Singh

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

**Present: Mr. Sandeep Chopra, DAG, Punjab
Ms. Gurmehr Kaur, Advocate, for the respondent.**

ANIL KSHETARPAL, J

1. The learned counsel representing the respondent has informed the court that the respondent-Sh. Parkash Singh has died, however, she has instructions to defend the case on behalf of his legal representatives.

2. The correctness of the concurrent findings of fact arrived at by the courts below is challenged by the State of Punjab in this regular second appeal.

3. In substance, the plaintiff sought a decree of declaration that he is entitled to increments for the period spent in Army service. It is claimed that after he has relieved from the Army service, the plaintiff was appointed as a Peon in PWD(B&R), Punjab, in the year 1979. Hence, as per the instructions issued by the Home Department General Service notification dated 20.07.1965, he was entitled to get the increments for the period spent by him in the Military service at the time of his employment in civil department.

4. Both the courts have found that the appellant has wrongly deprived the respondent from granting the increments as per instructions

issued by the government. The suit was contested on the ground that the plaintiff is already getting pensionary amount and has also received the gratuity amount.

5. Both the courts have held that as per the instructions issued by the government in the year 1965, an ex-army official, who is getting pension is not debarred for claiming the increments for the service rendered by him in the Military.

6. The learned counsel representing the State of Punjab contends that the suit filed by the plaintiff was hopelessly time barred. He submits that the plaintiff joined service in the year 1979, whereas the suit was filed in the year 1989.

7. This court has considered the submissions of the learned counsels representing the parties.

8. Admittedly, on the day the respondent filed the suit, he was still continuing in service.

9. Keeping in view the aforesaid facts, it is not appropriate to hold that the suit was filed beyond the prescribed limitation period.

10. Hence, no ground to interfere is made out.

11. Dismissed.

12. All the pending miscellaneous applications, if any, are also disposed of.

August 09, 2023
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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned
Whether reportable

:YES/NO
:YES/NO