

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

RSA No.2237 of 1992 (O&M)

Date of Order:22.09.2023

Harbhagwan, Conductor No.39**.Appellant****Versus****State Transport Controller, Haryana and another****..Respondents****CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL****Present: Mr. Mani Ram, Advocate, for the appellant.****Ms. Vibha Tewari, AAG, Haryana.****ANIL KSHETARPAL, J**

1. The correctness of the concurrent findings of fact arrived at by the courts below is assailed by the plaintiff in this second appeal. At the relevant time, the appellant was working as a conductor in the Haryana Roadways. His suit for grant of decree of declaration that the various orders passed by the disciplinary authority on 15.08.1980 (stopping one increment with cumulative effect), 07.08.1981 (one increment with cumulative effect) and order dated 09.02.1981(stoppage of one increment without cumulative effect), were upheld, was dismissed.

2. Both the courts have found that the suit was filed on 07.08.1989 and it was beyond the prescribed period of limitation. It has been held that even void orders are required to be challenged within a period of 3 years as per the law of limitation.

3. This Bench has heard the learned counsel representing the parties at length and with their able assistance perused the paper book

4. In fact, in **State of Punjab vs. Gurdev Singh (1991) 4 SCC 1** ,

the Hon'ble Supreme Court has held that even a void order is required to be challenged within a period of 3 years. With regard to increment, this view was reiterated in State of Punjab vs. Rajinder Singh 1999 SCC (L&S) 664

5. Keeping in view the aforesaid facts and discussion, no ground to interfere is made out.
6. Dismissed.
7. All the pending miscellaneous applications, if any, are also disposed of.

September 22, 2023

(ANIL KSHETARPAL)

nt

JUDGE

Whether speaking/reasoned

:YES/NO

Whether reportable

:YES/NO