

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

RSA-2387 of 1992 (O&M)

Date of Order:02.09.2023

Jasmer Singh

.Appellant

Versus

Pepsu Road Transport Corporation, Patiala and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Rahul Bansal, Advocate,
for the appellant.

Mr. Aman Sharma, Advocate and
Mr. Anupam Singla, Advocate
for the respondents.

ANIL KSHETARPAL, J

1. The correctness of the findings of fact arrived at by the First Appellate Court is assailed by the plaintiff in this second appeal.

2. The First Appellate Court has found that the appellant's two increments were stopped with cumulative effect vide order dated 28.08.1984, whereas he filed the suit only on 23.01.1988. Thus, the First Appellate Court has formed an opinion that the suit filed by the plaintiff was beyond the prescribed period of limitation while relying upon the judgment passed by the Supreme Court in **State of Punjab and others vs. Gurdev Singh and Ashok Kumar, AIR 1991 SC, 2219.**

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

4. The learned counsel representing the appellant contends that the judgment passed in **Gurdev's Singh case (supra)** is with regard to the

dismissal, whereas in the present case the appellant has a recurring cause of action as his monthly salary is not increasing due to the non-payment of increments.

5. This court has considered the submissions of the learned counsel representing the parties.

6. It is not in dispute that an order punishing the appellant was passed on 28.08.1984. Such order was required to be challenged within the prescribed period of limitation. Article 58 read with Article 113 attached to the Schedule of the Limitation Act, 1963 governs these kind of suits. The third column of Article 58 of the Schedule provides that the time for filing the suit would begun to run when the right to sue first accrues. Article 113 provides that the time would begun to run when the right to sue accrues. In this case, the right to sue accrued on the date, the order imposing penalty was communicated to the appellant. In such circumstances, the concept of recurring cause of action as envisaged in Section 22 of the Limitation Act, 1963 cannot be invoked.

7. Keeping in view the aforesaid facts and discussion, no ground to interfere is made out.

8. Dismissed, accordingly.

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

September 02, 2023
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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned
Whether reportable

:YES/NO
:YES/NO