

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

RSA No.2393 of 1992(O&M)
Date of Order:05.09.2023

Darshan Singh

.Appellant

Versus

Punjab State and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

**Present: Mr. Vikas Singh, Advocate, and
Mr. A.S.Pannu, Advocate
for the appellant.**

Mr. Ajit Singh Natt, AAG, Punjab

ANIL KSHETARPAL, J

1. This is the plaintiff's second appeal against the judgment passed by the First Appellate Court while setting aside the judgment and decree passed by the trial court.
2. The plaintiff filed a suit for grant of decree of declaration that the various orders passed by the respondents while stopping his annual increments are illegal, null and void. The suit was filed in the year 1989, whereas the orders were passed between 27.05.1976 to 12.09.1978. The First Appellate Court has found that the suit filed by the plaintiff was instituted beyond the prescribed time.
3. The learned counsel representing the appellant contends that the recent judgment on service law, the Supreme Court has distinguished its previous judgment in **State of Punjab vs. Gurdev Singh, 1991 (2) RCR(Civil) 541** because the aforesaid judgment pertains to the case of dismissal from service, whereas in this case, only the increments have been stopped.

4. This court has considered the submissions. In fact, the Supreme Court in *State of Punjab vs. Rajinder Singh, 1999 SCC (L&S), 664* has held that even in the cases of order stopping increments with cumulative effect, the limitation is 3 years which will begin to run from the date of order. The Supreme Court has once again relied upon the judgment passed in *Gurdev Singh's case (supra)*.

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

6. Dismissed.

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

September 05, 2023
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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned :YES/NO
Whether reportable :YES/NO