

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

103

2023:PHHC:149221

RSA-2433-1992

Date of decision: 23.11.2023

HARMESH LAL

..Appellant

Versus

**PEPSU ROAD TRANSPORT CORPORATION,
PATIALA AND ANR.**

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

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

Mr. Sarabjit Singh Khaira, Advocate
for the respondents.

ANIL KSHETARPAL, J(Oral)

1. In this regular second appeal, the correctness of the judgment passed by the First Appellate Court is assailed by the plaintiff. At the relevant time, the appellant was working as a conductor. As many as three different orders were passed by the disciplinary authority against the appellant on 25.05.1981, 19.07.1984, 29.01.1985. The trial Court decreed the suit as it was held that the departmental inquiry was held without authorization. The First Appellate Court on reappreciation of evidence has found that the suit was filed on 20.10.1987 and therefore, with respect to the first two orders i.e. 25.05.1981 and 19.07.1984, the suit was filed beyond the period of three years from the date of order and hence, the suit was time barred. With respect to order dated 29.01.1985, the First Appellate Court held that the order has been passed by the depot manager, who is higher authority than the appointing authority.

2. The First Appellate Court also held that the inquiry was held as per the direction of the disciplinary authority.

3. The learned counsel representing the appellant though made an attempt, however, failed to draw the attention of the Court to any substantive error or perversity in the judgment passed by the First Appellate Court.
4. It is also admitted that the two connected appeals i.e. RSA-2514-2019, titled as “Jaswant Singh Vs. Pepsu Road Transport Corporation, Patiala and others” and RSA-2387-1992, titled as “Jasmer Singh Vs. Pepsu Road Transport Corporation, Patiala and others” have been dismissed on 02.09.2023.
5. In view of the aforesaid facts, no ground to interfere is made out.
6. Dismissed accordingly.
7. All the pending miscellaneous applications, if any, are also disposed of.

November 23rd, 2023

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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned : *Yes/No*
Whether reportable : *Yes/No*