

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

RSA-2514 of 1992 (O&M)

Date of Order:02.09.2023

Jaswant Singh**.Appellant****Versus****Pepsu Road Transport Corporation, Patiala and others****..Respondents****CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL****Present: Ms. Navroop Jawanda, Advocate,
for the appellant.****Mr. Aman Sharma, 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. Though, the learned trial Court decreed the plaintiff's suit for grant of decree of declaration that the orders dated 28.08.1978 and 15.05.1985, passed by the Deputy General Manager, Pepsu Road Transport Corporation, Patiala, vide which one and three annual increments, respectively, were stopped with cumulative effect are illegal and without jurisdiction, however, the First Appellate Court has reversed the judgment and decree passed by the trial Court.
3. The trial Court decreed the plaintiff's suit on the ground that the orders passed by the Deputy General Manager, Pepsu Road Transport Corporation, Patiala, were without jurisdiction as he was not the disciplinary authority. The First Appellate Court has found that the disciplinary authority in the case of the plaintiff is the General Manager of the Depot and

the Deputy General Manager is the superior authority and therefore, there is no violation of Article 311 of the Constitution of India. The First Appellate Court has also found that with respect to the challenge to the order dated 28.08.1978, the suit filed on 23.09.1987 was beyond the prescribed period of limitation.

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

5. The learned counsel representing the appellant contends that the judgment relied upon by the First Appellate Court in **State of Punjab and others vs. Gurdev Singh, AIR 1991 SC, 2219** is distinguishable as in that case the order of dismissal from service was challenged, whereas in this case, only the orders of punishment by which the increments were stopped have been challenged. She submits that the appellant has a recurring cause of action as the appellant would not receive the monthly salary along with the increments.

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

7. It is not in dispute that an orders punishing the appellant were passed on 28.08.1978 and 15.05.1985. Such orders were 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 begin to run when the right to sue first accrues. Article 113 provides that the time would begin 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.

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

September 02, 2023
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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned

:YES/NO

Whether reportable

:YES/NO