

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

RSA No.2540 of 1992(O&M)

Date of Order:04.10.2023

State of Punjab and another

.Appellants

Versus

Mukhtiar Singh

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Vikas Arora, AAG, Punjab

Mr. Vikas Singh, Advocate and
Mr. A.S.Pannu, Advocate
for the respondent.

ANIL KSHETARPAL, J

1. The learned counsel representing the State of Punjab has pressed the issue of limitation. He submits that the suit filed by the plaintiff on 24.08.1988, to challenge the correctness of as many as 12 different orders, passed by the disciplinary authority between 10.12.1976 to 23.07.1984, was filed beyond the prescribed time. By these 12 orders of punishment, various increments of the respondent were stopped by the disciplinary authority. He submits that in view of the judgment passed by the Supreme Court in **State of Punjab and others vs. Gurdev Singh, (1991) 4 SCC 1** and **State of Punjab and another vs. Balkaran Singh, (2006) 12 SCC 709**, the suit could be filed only within a period of 3 years from the date of order.

2. On the other hand, the learned counsel representing the respondent (plaintiff) submits that the trial Court has set aside as many as eight different orders passed by the disciplinary authority, whereas the suit qua remaining four orders was dismissed.

3. The State of Punjab as well as the respondent (plaintiff) filed two separate appeals. The appeal filed by the State of Punjab was dismissed on the ground of limitation which in appeal was upheld by the High Court. The learned counsel representing the respondent submits that qua the aforesaid as many as eight orders, the judgment has become final.

4. The learned counsel representing the State of Punjab does not dispute that fact, however, he submits that the First Appellate Court has now set aside as many as three orders passed by the disciplinary authority without properly examining the objection with regard to the limitation.

5. The learned counsel representing the respondent made pebble attempt to submit that the order passed by the disciplinary authority is void and there is no limitation to challenge.

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

7. In fact, the Supreme Court after examining the issue of limitation in the context of service matter of government/public second employee, has held that the suit is required to be filed within a period of three years from the date the cause of action arises. In this case, the respondent does not claim that he had no knowledge of the orders passed. Evidently, therefore, the suit filed by the plaintiff is barred by limitation. However, keeping in view the fact that the previous revision petition filed by the State qua challenge to the eight different orders has been upheld, the same cannot be re-opened.

8. Consequently, the judgment passed by the First Appellate Court is set aside and qua these three different punishment orders, the judgment of the trial Court is upheld, though for different reasons.

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

October 04, 2023
nt

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned
Whether reportable

:YES/NO
:YES/NO