

2023:PHHC:115539

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

**RSA-558-1992 (O&M)**  
Date of decision: 04.09.2023

Depot Manager, PRTC Depot, Bhatinda and others

..Appellants

Versus

Balwinder Singh

.Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr. Anupam Singla, Advocate for the appellants

**ANIL KSHETARPAL, J (Oral)**

1. This appeal has come up for hearing after a period of 31 years.

2. As per the office report, the notice of the appeal has been served on the respondent, however, he remains unrepresented.

3. The respondent filed a suit for grant of decree of declaration that the orders passed on 04.11.1980 and 09.09.1982 are illegal, null and void and he is entitled to the benefit of his previous service from 17.05.1973 to 02.02.1979. The service of the respondent was terminated on 07.04.1979, however, in appeal, he was ordered to be reinstated on 04.11.1980 but his past service from 17.05.1973 to 02.02.1979 was forfeited and he was denied the benefit of his previous service. Both the courts have found that such forfeiture of past service is not one of the major punishments, as envisaged in the service rules and the order was passed without holding any departmental inquiry.

4. Learned counsel representing the appellants does not dispute this fact, however, he submits that the respondent filed the suit in the

year 1987 to challenge the correctness of the order dated 09.09.1982.  
Hence, the suit was filed beyond the prescribed time.

5. On a Court question, the learned counsel representing the appellants (Management) admits that the respondent, after attaining the age of superannuation, retired a few years back and he is now getting the regular pension.

6. Since the respondent has already retired, therefore, while keeping the question of limitation open for decision in an appropriate case, this Court does not find it appropriate to interfere at this stage.

7. Disposed of.

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

04.09.2023

rekha

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(ANIL KSHETARPAL)  
JUDGE