

2023:PHHC:108730

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

RSA-5425-2019 (O&M)
Date of decision: 21.08.2023

S.K.Nangru

..Appellant

Versus

HSAMB and others

.Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr. Raman B Garg, Advocate
Mr. Mayank Garg and
Mr. Chirag Mahajan, Advocates for the appellant

ANIL KSHETARPAL, J (Oral)

1. The correctness of the concurrent findings of fact arrived at by the courts below has been assailed in this Regular Second Appeal. After having superannuated on 30.11.2008, the appellant filed the suit in 2011, claiming that the order dated 23.04.2001, passed by the competent authority, while treating his absence period for more than 4 years, as the leave of the kind due, is illegal. Both the courts have found that the suit was filed beyond the prescribed limitation period.

2. Heard the learned counsel representing the appellant at length and with his able assistance perused the paperbook.

3. Learned counsel representing the appellant submits that against the order dated 23.04.2001, an appeal was filed before the appellate authority, which was never decided. He submits that the period of limitation will not begin to run from the date when the order was passed.

4. On a Court question, he admits that the aforesaid memorandum of appeal has not been produced on the record of the trial

court. It has also not been proved that any appeal was filed. In such circumstances, there is no ground to interfere with the findings of fact, arrived at by the courts below, is made out.

- 5. Hence, dismissed.
- 6. All the pending miscellaneous applications, if any, are also disposed of.

21.08.2023
rekha
Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No

(ANIL KSHETARPAL)
JUDGE