

2023:PHHC:139063
**123 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

RSA-5526-2019 (O&M)
Date of decision: 31.10.2023

Sohan Singh Aulakh (since deceased) through LRs

....Appellant

Versus

State of Punjab and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr. I.P.S.Kohli, and
Ms. Gursimran Walia and
Mr. D.S.Walia, Advocates for the appellant

Mr.Vikas Arora, AAG, Punjab

ANIL KSHETARPAL, J (Oral)

CM-15728-C-2019

1. Allowed as prayed for, subject to all the just exceptions.

The legal representatives of the deceased appellant, as mentioned in para 2 of the application, are permitted to be brought on record, for the purpose of prosecuting the present appeal.

2. Amended memo of parties is taken on record.

Main case

3. In this appeal, the correctness of the concurrent findings of fact arrived at by the courts below has been assailed by the plaintiff. Both the courts have found that the plaintiff filed the

suit after a period of 18 years from the date he was dismissed from service. The disciplinary authority passed the dismissal order on the basis of the charge-sheet and the inquiry report. He chose to file the suit after the passage of 18 years from the date of the order.

4. In this case, the appellant was appointed as a Patwari in March, 1958. He applied for grant of leave with permission to travel abroad between 02.12.1985 to 31.03.1986, which was sanctioned. Subsequently, he applied for extension w.e.f 01.04.1986 to 29.07.1986, which was also sanctioned. However, the appellant did not return from abroad. Ultimately, the State Government issued a show cause notice and charge-sheet against him. Inquiry officer was appointed, who reported that the charges against the appellant are proved. Thereafter, the disciplinary authority passed the order of dismissal on 20.10.1995.

5. Thus, both the courts held that the plaintiff has no case on merits and the suit has been filed beyond the prescribed period of limitation. Learned counsel representing the parties failed to draw the attention of the Court to any substantive error either in the reading of the evidence or non-reading of the evidence. They have failed to draw the attention of the Court to any perversity in the judgment. Hence, dismissed.

6. In view of the dismissal of the appeal on merits, no further order is required to be passed on the application for condonation of delay.

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

31.10.2023

rekha

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No