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RSA-282-1993

Date of decision:19.01.2024

STATE OF PUNJAB & ANR.

... APPELLANTS

VS.

BALJINDER SINGH

... RESPONDENT

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. Vikas Arora, AAG, Punjab,
for the appellants.

Mr. Kuljinder Singh Billing, Advocate for
Mr. Satinder Pal Singh Dhaliwal, Advocate
for the respondent.

SUVIR SEHGAL J. (ORAL)

1. State-defendant is in the instant second appeal before this Court challenging the judgments and decrees passed by both the Courts below.
2. Brief facts may be noticed.
3. Plaintiff-respondent, who was working as a Conductor with the Punjab Roadways, Amritsar-1, filed a suit for declaration to the effect that orders dated 4.2.83, 4.2.83, 11.5.83, 11.5.83, 24.11.83, 23.10.86, 23.10.86, 30.3.87, 14.3.84, 10.4.89, 17.4.89, 2.2.89 and 28.3.85 imposing penalties of stoppage of increments with/without cumulative effect have been passed in violation of the principles of natural justice.

4. Upon being served, State-defendant filed a written statement taking up various pleas and submitted that the suit is barred by time. On the basis of the pleadings, issues were framed and after parties lead evidence, Trial Court by judgment and decree dated 12.08.1991 held that all the orders except orders dated 14.3.84, 10.4.89 and 17.4.89 are illegal, null and void and are set aside. Consequential relief was also granted to the plaintiff-respondent.

5. Aggrieved, State-defendant filed the first appeal, which was partly accepted and the lower appellate court upheld the decree passed by the Trial Court, whereby it had declared four orders dated 23.10.86, 23.10.86, 30.3.87 and 2.2.89 as illegal. State is before this Court challenging the four above-said orders.

6. Counsel for the parties have been heard.

7. It is an admitted position that the plaintiff-respondent had filed a suit on 01.3.1990 and the learned First Appellate Court while partly accepting the appeal of the State held that the period of limitation for challenging the orders is 03 years and 02 months. Except for the four orders mentioned above, it was found that all other orders were beyond the period of limitation. Applying the same analogy, it is evident that even two orders passed on 23.10.86 are beyond the period of limitation, which will start from 1.1.87. Both these orders have been passed prior thereto.

8. In view of the above, the appeal deserves to be partly accepted.

9. Accordingly, while partly accepting the appeal, judgment and decree passed by the First Appellate Court is modified to the extent that

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except for orders dated 30.3.87 and 2.2.89, challenge to all the other orders by the plaintiff-respondent is beyond the prescribed period of limitation.

10. Appeal is disposed of.
11. Pending application(s), if any, shall also stand disposed of.

19.01.2024
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(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No