



RSA-973-2024 (O&M)

-1-

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

208

RSA-973-2024 (O&M)

Date of Decision :24.05.2024

**Nachhattar Singh (deceased) through LRs
and others**

...Appellants**Versus****State of Punjab and others****....Respondents****CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI**

Present: Ms. Dilpreet Kaur, Advocate for the appellants

Mr. Rohit Ahuja,. DAG, Punjab.

* * *

Harsimran Singh Sethi, J. (Oral)

In the present regular second appeal, challenge is to the judgment and decree dated 30.11.2022 and 08.01.2024 of the Courts below by which, the civil suit filed by the appellant-plaintiff has been dismissed with the observations that against the order imposing punishment upon the appellant-plaintiff, rather than approaching the Civil Court, the appellant-plaintiff should have filed appeal.

Learned counsel for the appellant submits that though a direction has been given by the Courts below directing appellant to file service appeal but as the service appeal has already been time barred, no direction has been given to the State that in case, any such service appeal is



RSA-973-2024 (O&M) -2-

filed, the said service appeal is to be decided on merits.

Learned State counsel submits that in case, any such appeal is filed by the appellant, the said service appeal will be decided on merit by passing an appropriate speaking order.

Learned counsel for the appellant submits that keeping in view the statement made by learned State counsel, present appeal may kindly be disposed of having been not pressed any further with liberty to file an appropriate service appeal in terms of the order passed by the Courts below.

Ordered accordingly.

Civil miscellaneous application pending, if any is also disposed of.

May 24, 2024 (HARSIMRAN SINGH SETHI)
aarti JUDGE

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