

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

210

RSA-2156-1998 (O&M)

Date of Decision :03.04.2024

State of Haryana and another

...Appellants

Versus

Amrit Parkash Singh

....Respondent

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Ms. Vibha Tewari, AAG, Haryana for appellant-State.

Mr. Vikram Singh, Advocate and
Mr. Sukhdev Singh, Advocate for the respondent.

* * *

Harsimran Singh Sethi, J. (Oral)

1. In the present regular second appeal, challenge is to the judgment and decree of the Lower Appellate Court dated 18.10.1996 by which, judgment and decree of the trial Court dated 16.08.1993 was set aside and the suit filed by the respondent-plaintiff was allowed qua order dated 21.09.1987 compulsorily retiring the respondent-plaintiff from service.

2. Learned counsel for the appellant-State submits that as per the judgment and decree of the trial Court, suit was beyond limitation though, on merits claim of the respondent-plaintiff was held to be valid but on the ground of limitation the suit was dismissed.

2. Said decree and judgment of the trial Court was challenged by the respondent-plaintiff before the lower Appellate Court and the lower Appellate Court vide order dated 18.10.1996 had allowed the suit holding that the same was within limitation provided. The said judgment and decree of the lower Appellate Court is under challenge in the present regular second

appeal.

3. It may be noticed that in the present appeal, though, notice of motion was issued but no interim order was passed meaning thereby order passed by the lower Appellate Court dated 18.10.1996 must have been complied with.

4. Even otherwise, on merits, the respondent-plaintiff was given a notice for compulsorily retirement on 24.06.1987, which was to be come into effect on 21.09.1987 and the suit was filed by the respondent-plaintiff challenging the compulsory retirement on 11.09.1990 hence, from date of compulsory retirement, the suit was filed within limitation as held by the Lower appellate Court.

5. Nothing has been pointed out by the learned counsel for the appellant-State that the said finding of the lower Appellate Court is perverse to any evidence on record. Once the respondent-plaintiff was retired on 21.09.1987 and suit was filed on 11.09.1990, it cannot be said that the suit was beyond limitation.

6. Keeping in view the above as no perversity has been pointed out by the appellant-State in the order passed by the Lower Appellate Court, no ground for interference by this Court is made out and the present regular second appeal is dismissed.

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

April 03, 2024
aarti

(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No