

RSA-3741-2019 (O&M)

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2024:PHHC:006361

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CM-10142-C-2019 in/&
RSA-3741-2019
Date of Decision :18.01.2024

Punjab Small Industries and Export
Corporation Limited

...Appellant

Versus

Iqbal Singh

...Respondent

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Ashish Verma, Advocate for the appellant.

* * *

Harsimran Singh Sethi, J. (Oral)

CM-10142-C-2019

As prayed for, application is allowed.

Main appeal

1. Present regular second appeal has been filed against the judgment and decree of the trial Court dated 30.09.2014, which has been upheld by the lower Appellate Court vide order dated 25.01.2019.

2. It may be noticed that the civil suit filed by the appellant has been dismissed on the ground of limitation.

3. Learned counsel for the appellant concedes the fact that vide order dated 18.06.1999 a sum of Rs.3,09,589/- were ordered to be recovered from the respondent and apart from the said amount another loss caused to the tune of Rs.1,59,532/ was also ordered to be recovered from him. Both these orders were passed while the respondent was in service. The

respondent retired from service on 30.04.1999 and his retiral benefits were withheld so as to recover the amount under orders already passed during the service career of the respondent.

4. As the appellant could not recover the total amount including interest, a civil suit was filed in the year 2009 i.e. after a period of 10 years of retirement of the respondent. Said civil suit has been held to be time barred by both the Courts below, which judgments are impugned in this regular second appeal.

5. I have heard learned counsel for the appellant and have gone through the record with his able assistance.

6. Learned counsel for the appellant concedes the factum that orders of recovery to be done from the respondents were passed while respondent was in service, which means orders of recovery were in operation at the time when the respondent retired on 30.04.1999.

7. In case after withholding of the retiral dues of the respondent still total recovery could not be done, the process to recover the remaining amount should have been done by filing appropriate civil suit within a time frame prescribed under law but the civil suit for the recovery of the remaining amount was filed after the period of 10 years of retirement of the respondent and that too for recovery of amount, which was ordered in the year 1999 hence, the same cannot be treated to be within limitation.

8. No perversity could be pointed out by learned counsel for the appellant keeping in view the findings recorded by the Courts below qua the fact that suit filed by the appellant was beyond limitation. In the absence of any perversity being pointed out by learned counsel for the appellant and

keeping in view the facts/evidence which have come on record, details of which have been given hereinbefore, no ground for interference by this Court is made out and the present regular second appeal is accordingly dismissed.

January 18, 2024
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(HARSIMRAN SINGH SETHI)
JUDGE

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