

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

2024:PHHC:063061

(207)

RSA-3391-2015 (O&M)
Date of Decision : May 07, 2024

Gurwant Singh

.. Appellant

Versus

State of Punjab and another

.. Respondents

(207-A)

RSA-4407-2015 (O&M)

Gursharan Singh

.. Appellant

Versus

State of Punjab and another

.. Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:

Mr. Amit Arora, Advocate, for the appellant
in both appeals.

Mr. Rohit Ahuja, Deputy Advocate General, Punjab.

HARSIMRAN SINGH SETHI J. (ORAL)

1.

By this common order, two appeals, the details of which have been given in the heading, are being disposed of as both the appeals involve the same question of law on similar facts.
2.

In the present appeals, challenge is to the judgment and decree of the lower Appellate Court dated 28.01.2015 (in RSA-3391-2015) and 10.03.2015 (in RSA-4407-2015) whereby, the judgment of the trial Court

dated 19.03.2013 (in RSA-3391-2015) and 21.12.2012 (in RSA-4407-2015) has been set aside and suit filed by the appellants have been dismissed.

3. Certain facts needs to be mentioned for the correct appreciation of the issue in hand.

4. Both the appellants were appointed as Special Police Officer in the year 1992. Appellant Gurwant Singh was removed from service vide order dated 22.01.1994 on the ground of unauthorized absence and the appellant Gursharan Singh was discharged from service vide order dated 21.08.2000 on the same allegations. The said action of the respondent-defendant was challenged by the appellants by filing the civil suit challenging the orders by which, the appellants-plaintiffs were discharged from service. The said civil suit were decreed vide judgment and decree dated 19.03.2013 and 21.12.2012. Against the said judgments and decrees of the trial Court, appeal was preferred by the State whereby, the judgment and decrees of the trial Court were set aside and the suit filed by the appellants-plaintiffs were dismissed. Hence, the present regular second appeals.

5. On being asked to point out as to how, the suit was within limitation keeping in view the orders dated 22.01.1994 and 21.08.2000 which were impugned in the present appeals, learned counsel for the appellant submits that the order of discharge was not communicated to the appellant hence, the same could not be challenged earlier.

6. It may be noticed that the said argument has been dealt with by the lower Appellate Court and finding has already been recorded that the said orders were communicated to the appellants. Not only this, the appellants did not perform the duties after the passing of the said discharge order.

7. Once, it has already come on record that from the date of passing of order of discharge, the appellants were not allowed to perform the duties, the cause of action accrued from the said date and the limitation period to file suit started from the said date, hence, keeping in view the facts and evidence on record, the suit filed by the appellants was time barred.

8. During the course of hearing, it has also been conceded that the appellants never performed their duties after the passing of the impugned order of discharge. That being so, the suit filed by the appellants was time barred keeping in view the fact that the same were filed after expiry of three years from the date the cause of action had accrued.

9. Learned counsel for the appellants has not been able to show as to how, the suit filed by the appellant-plaintiff can be treated within limitation.

10. No other argument was raised.

11. Even otherwise, no perversity in the judgment of the lower Appellate Court has been brought to the notice of this Court.

12. In the absence of any perversity, even on merits, no ground is made out for any interference by this Court in the facts and circumstances of the present case.

13. Dismissed.

14. Any civil miscellaneous application pending if any, also stands disposed of.

15. A photocopy of this order be placed on the file of other connected case.

May 07, 2024
harsha

(HARSIMRAN SINGH SETHI)
JUDGE

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