



RSA-2492-1995 (O&M)

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

RSA-2492-1995 (O&M)

Avtar Singh

..Appellant

Versus

State of Punjab and anr.

..Respondents

Reserved on: 05.05.2026

Pronounced on: 07.05.2026

Uploaded on: 08.05.2026

Whether only the operative part of the judgment is pronounced?

NO

Whether full judgment is pronounced?

YES

CORAM: HON'BLE MRS. JUSTICE SUDEEPTI SHARMA

Present: Ms. Monika Jalota, Advocate
for the appellant.

Mr. Ravneet Singh Joshi, DAG, Punjab.

* * * * *

SUDEEPTI SHARMA, J.

1. The present regular second appeal is preferred against judgment and decree dated 24.08.1992 passed by learned Sub Judge (2nd Class), Anandpur Sahib as well as judgment and decree dated 27.07.1995 passed by learned Addl. District Judge, Rupnagar, whereby, civil suit as well as appeal filed by the appellant was dismissed respectively.

BRIEF FACTS OF THE CASE

2. Brief facts of the case as per civil suit are that the appellant was posted as ASI at Police Station. He joined service in Indian Armed Force in the Indian Navy and served there for continuous period for ten years from

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21.01.1964 to 20.01.1974 and he also served during National Emergency Period. He was released from there on completion of 10 years and was paid gratuity also. He joined Punjab Police Wireless Service on 05.04.1976. Thereafter, he was promoted as Head Constable Operator. He filed civil suit for claiming the benefit of military service from 21.01.1964 to 20.01.1974 rendered by him in the Indian Navy and during National Emergency Period and for fixation of his seniority, consequent promotions, pay scales and arrears of salary prior to joining the service with Punjab Police on 05.04.1976 on account of his seniority. The civil suit filed by him was dismissed, vide judgment and decree dated 24.08.1992 passed by learned Sub Judge (2nd Class), Anandpur Sahib and the appeal filed against the same was also dismissed, vide judgment and decree dated 27.07.1995 passed by learned Addl. District Judge, Rupnagar. Hence the present appeal.

ARGUMENTS OF LEARNED COUNSEL FOR THE PARTIES

3. Learned counsel for the appellant contends that both the Courts dismissed the civil suit as well as appeal filed by the appellants on the ground of delay without taking into consideration the evidence (oral as well as documentary) on record. She, therefore, prays that the present appeal be allowed and judgment and decree dated 24.08.1992 passed by learned Sub Judge (2nd Class), Anandpur Sahib as well as judgment and decree dated 27.07.1995 passed by learned Addl. District Judge, Rupnagar, be set aside.

4. Per contra, learned counsel for respondents contends that the appellant joined the service of Punjab Police on 05.04.1976 whereas he filed civil suit on 09.09.1989, after a delay of 13 years, which is hopelessly



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time barred, therefore, both the Courts have rightly appreciated the evidence on record while dismissing the civil suit as well as appeal filed by the appellants. He, therefore, prays that the present regular second appeal be dismissed.

5. I have heard learned counsel for the parties and perused the whole record of the case with their able assistance.

ANALYSIS OF THE RECORD

6. In the present case, the right of the appellant accrued in the year 1976 itself when he joined the Punjab Police service. The appellant earlier joined the service in the Indian Navy and served there for a continuous period for 10 years w.e.f 21.01.1964 to 20.01.1974. The appellant kept silent for almost 13 years from the date on which cause of action arose to him. Therefore, it has rightly been held by both the Courts that the civil suit filed by appellant, is hopelessly time barred.

7. Reference can be made to a judgment of Hon'ble Supreme Court in ***S.Shivraj Reddy(Died) Thr His Lrs and Another Vs. S. Raghuraj Reddy and Others, 2024 INSC 427*** wherein it has been held that the limitation for filing civil suit is a period of three years which starts to run, when right to sue first accrues.

8. In view of the above, I do not find any infirmity in judgment and decree dated 24.08.1992 passed by learned Sub Judge (2nd Class), Anandpur Sahib as well as judgment and decree dated 27.07.1995 passed by learned Addl. District Judge, Rupnagar and the same are upheld.

9. Accordingly, the present regular second appeal is ***dismissed***.

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10. Decree sheet be prepared accordingly.
11. Pending application(s), if any, also stand disposed of.

07.05.2026

Gaurav Arora

(SUDEEPTI SHARMA)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No