



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

103

RSA-934-1995

Date of decision: 05.02.2026

State of Haryana and another

.....Appellants

Versus

Shri Ram

.....Respondent

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present : Mr. Priyavrat Parashar, AAG, Haryana
for the appellants.

None for the respondent.

NAMIT KUMAR, J. (ORAL)

1. The instant Regular Second Appeal has been filed by the State of Haryana impugning the judgment and decree dated 02.12.1994, passed by the learned Additional District Judge (II), Jind, whereby the judgment dated 20.12.1993, passed by the learned Trial Court has been set aside and the suit filed by the respondent/plaintiff has been decreed and the State has been restrained from effecting further recovery from the pay of the respondent/plaintiff in pursuance to the impugned order dated 30.04.1985. Parties to the *lis* hereinafter shall be referred to by their original position before the learned Trial Court.

2. Briefly stated, the facts of the case are that the respondent/plaintiff filed a suit for permanent injunction against the defendants-State of Haryana restraining them from deducting his 1/3rd pay for effecting recovery of Rs.52,413.69 paisa on the basis of orders dated 30.04.1985 of District Food & Supply Controller, Hisar (DFSC).

In the said suit, the following issues were framed:-

- “1. Whether the impugned order dated 30.4.1985 passed by the defendant No.2 against the plaintiff is illegal, null and void and amount binding on the plaintiff and is liable to be set aside on the grounds alleged in para No. 2(a) to 2(g) of the plaint? OPP.
2. Whether the suit is not maintainable in the present form? OPD.
3. Whether the suit is barred by limitation? OPD.
4. Whether the suit is bad for non-joinder of necessary parties ? OPD.
5. Whether the plaintiff is estopped from filing the present suit by his act and conduct ? OPD.
6. Whether the suit is bad for want of notice u/s 80 CPC? OPD.
7. Whether the suit is not properly valued for the purposes of court fee and jurisdiction ? OPD
8. Whether the suit is bad for multifariousness? OPD.
9. Relief.”

3. The said suit was dismissed by the learned Trial Court, vide its judgment dated 20.12.1993, by holding that the suit is barred by limitation and also on merits. The said findings recorded by the learned Trial Court have been reversed by the learned First Appellate Court, vide its judgment dated 02.12.1994, by holding that since the punishment order dated 30.04.1985 was void, therefore, there was no limitation for challenging the void order.

4. The said finding recorded by the learned First Appellate Court is against the law laid down by the Hon'ble Supreme Court in ***State of Punjab and others v. Gurdev Singh and Ashok Kumar : 1991(3) SCT 91***, wherein it has been held that even the void orders are to be challenged within the period of limitation.

5. In view of the above, the instant Regular Second Appeal is

allowed and the judgment dated 02.12.1994 passed by the learned First Appellate Court is set aside and that of the learned Trial Court is restored and the suit of the plaintiff stands dismissed.

05.02.2026

Vinay

(NAMIT KUMAR)
JUDGE

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