



RSA-880-2026 (O&amp;M)

-1-

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

RSA-880-2026 (O&amp;M)

STATE OF PUNJAB AND OTHERS

.....Appellants

Vs.

GURDIP SINGH

.....Respondent

Reserved on : 25.03.2026

Pronounced on: 09.04.2026

Uploaded on: 10.04.2026

*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: Mr. Animesh Sharma, Addl. Advocate General, Punjab  
for the appellants.

Mr. Ashok Giri, Advocate  
for the respondent.

\*\*\*\*\*

**SUDEEPTI SHARMA J. (Oral)**

1. The present appeal is preferred against judgment and decree dated 18.04.2024 passed by learned Civil Judge (Jr. Division), Jalandhar as well as judgment and decree dated 01.08.2025 passed by learned Additional District Judge, Jalandhar, whereby civil suit filed by the respondent was decreed in his favour as well as appeals filed by the appellant State was dismissed respectively.

2. Brief facts of the case as per the civil suit are that respondent was on sanctioned leave till 21.08.1991. He willfully absented himself from duty without sanctioned leave from 22.08.1991. His application for extension of leave was rejected vide letter No.640/41 dated 02.04.1992. On 11.10.2000, Chief Engineer terminated the services of respondent after disciplinary proceedings for willful absence. He filed civil suit challenging the dismissal



order dated 11.10.2000 in the year 2018. Learned Civil Judge (Jr. Division), Jalandhar partly decreed the civil suit filed by the respondent. Appellant-State filed appeal against the same which was dismissed vide judgment and decree dated 01.08.2025 passed by learned Additional District Judge, Jalandhar. Hence, the present regular second appeal.

3. Learned Counsel for the appellants contends that both the courts did not appreciate the very fact that the civil suit for challenging the termination order dated 11.10.2000 was filed in the year 2018, i.e. after a delay of almost 18 years.

4. He further contends that respondent had abandoned his service and has gone abroad and till date, he is residing there only. He, therefore, prays that the present regular second appeal be allowed.

5. Learned Counsel for appellant-State relies on judgment passed by Hon'ble Supreme Court titled as ***Secretary, Ministry of Works and Housing, Govt. of India Vs. Mohinder Singh Jagdev, 1997(1) SCT 110*** to support his arguments.

6. Per contra, Learned Counsel for the respondent contends that both the courts have rightly decreed the civil suit filed by the respondent and dismissed the appeal filed by the appellants. He, therefore, prays that the present regular second appeal be dismissed.

7. I have heard learned Counsel for the parties and perused the whole record of this case with their able assistance.

8. A perusal of the record shows that admittedly respondent remained absent from duty because of which he was dismissed from service vide order dated 11.10.2000. As per Rule 3(iv) of Government Employees Conduct Rules 1966, every government employee shall at all times intimate his



latest permanent as well as temporary address to his appointing authority. The contention of the respondent in the civil suit that he did not come to know about departmental proceedings against him and no opportunity of being heard was afforded to him cannot be accepted since he did not inform the department that he was residing abroad. And he remained absent since 1991 without any intimation or leave. He himself violated Rule 3(iv) of Government Employees Conduct Rules 1966 by not providing his latest address.

9. Further, Rule 8.36 of Punjab Civil Services Rules provides that every government employee proceeding leave must record on his/her address on the application for leave, on which letter could be sent during his/her leave period. Further, Rule 3.25(2) of Punjab Civil Services Rules provides that where a government employee does not resume duty after remaining on leave for a continuous period of five years or where a government employee after expiry of his leave remains absent from duty, otherwise than on foreign service or on account of suspension for any period which altogether with the period of leave granted to him exceeds five years, he shall unless, the competent authority, in view of the exceptional circumstances of the case, otherwise determine, be removed from service after following procedure as laid down in Punjab Civil Services (Punishment and Appeal) Rules 1970.

10. Finding given by both the courts shows that they have totally ignored the delay in filing the civil suit and despite objection by the appellants, there is no finding regarding the same. Further, even the rules applicable in case of respondent are totally ignored.

11. Hon'ble Supreme Court in ***State of Punjab and others Vs. Gurdev Singh and Ashok Kumar, 1991(3) SCT 91*** held that Article 113 of Limitation Act provides limitation of three years and a party aggrieved by any order has to

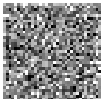


approach the court within prescribed period of limitation. If the statutory time limitation expires, the court cannot give the declaration sought for.

12. Now coming to the judgment passed by Hon'ble Supreme Court titled as ***Secretary, Ministry of Works and Housing, Govt. of India Vs. Mohinder Singh Jagdev, 1997(1) SCT 110*** as referred to by learned Counsel for the appellant-State. Relevant portion of the same is reproduced as under:-

*“7. The crucial question is: whether the suit is barred by limitation ? Section 3 of the Limitation Act, 1963 [for short, the "Act"] postulates that the limitation can be pleaded. If any proceedings have been laid after the expiry of the period of limitation, the court is bound to take note thereof and grant appropriate relief and has to dismiss the suit, if it is barred by limitation. In this case, the relief in the plaint, as stated earlier, is one of declaration. The declaration is clearly governed by Article 58 of the Schedule of the Act which envisages that to obtain "any other" declaration the limitation of three years begins to run from the period when the right to sue "first accrues". The right to sue had first accrued to the respondent in September 10, 1957 when the respondent's services came to be terminated. Once limitation starts running, until its running of limitation has been stopped by an order of the competent authority, it cannot stop. On expiry of three years from the date of dismissal of the respondent from service, the respondent had lost his right to sue for the above declaration.”*

13. In view of the above, the present regular second appeal is **allowed**.



**RSA-880-2026 (O&M)**

-5-

Judgment and decree dated 18.04.2024 passed by learned Civil Judge (Junior Division), Jalandhar as well as judgment and decree dated 01.08.2025 passed by learned Additional District Judge, Jalandhar are set aside.

- 14. Decree sheet be prepared accordingly.
- 15. Pending application(s), if any, also stand disposed of.

**09.04.2026**

*Saahil/Ayub*

**(SUDEEPTI SHARMA)**  
**JUDGE**

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