



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

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RSA-2667-1999 (O&M)
Date of decision : 16.02.2026

Santosh Gupta

....Appellant

Vs

State of Punjab and another

....Respondents

CORAM : HON'BLE MR. JUSTICE NAMIT KUMAR

Present: Mr. A.P.S. Sidhu, Advocate for
Mr. Surinder Garg, Advocate for the appellant.

Mr. Surya Kumar, A.A.G., Punjab.

NAMIT KUMAR, J. (ORAL)

1. The appellant/plaintiff has filed the instant Regular Second Appeal impugning the judgment and decree dated 19.10.1993 passed by learned Sub Judge IInd Class, Chandigarh, whereby a suit for declaration filed by the appellant/plaintiff has been dismissed as well as judgment and decree dated 30.07.1998 passed by learned Additional District Judge, Chandigarh, whereby an appeal filed by the appellant/plaintiff against judgment and decree dated 19.10.1993, has also been dismissed. Parties to the lis are being referred to as per their original position before the Trial Court.

2. Brief facts of the case are that after passing the matriculation examination in the year 1969 and JBT examination in the year 1971, the plaintiff applied for the post of JBT teacher in 1971 and she was appointed as such by the Bhagat Singh Committee on 28.12.1973. The plaintiff was asked to report in Government Primary School, Singhpura in Dera Bassi Block, District Patiala, where she

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reported on 02.01.1974 but she was not allowed to join on the ground that the selection made in 1973 was valid only upto 1973. She was again given appointment letter dated 02.03.1976, by the District Education Officer, Patiala and on the representations made by the plaintiff, her services were regularized by the Committee. Thereafter, charge-sheet dated 25.02.1982 was issued to the plaintiff on the allegations that she got herself appointed as JBT teacher on ad hoc basis on the strength of bogus certificates and thereafter, got her services regularized and she had not passed the Prabhakar Examination but mis-used the certificate of another Santosh Kumari d/o Panni Lal. An Enquiry Officer was appointed, who conducted inquiry as per rules and finally, the plaintiff was dismissed from service, vide order dated 26.06.1984, passed by the District Education Officer (Primary), Patiala. Against the said order of dismissal, the plaintiff filed a statutory appeal on 18.07.1984, which was rejected by the Appellate Authority, vide order dated 22.02.1986. Thereafter, the plaintiff filed the suit on 10.08.1990 impugning the order of dismissal dated 26.06.1984 and appellate order dated 22.02.1986.

3. Upon notice, the defendants appeared and filed their joint written statement and contested the claim of the plaintiff by taking certain preliminary objections. On merits, it was submitted that the plaintiff had impersonated for obtaining the post of JBT teacher by production of Matriculation Certificate, JBT Training Certificate and passing the Punjabi upto Matric standard of an another Santosh Kumari whose father's name was Panni Lal and also by using her Roll No.9512 of S. Bhagat Singh Departmental Selection Committee. Said Santosh

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d/o Panni Lal had applied for the post of JBT teacher against advertisement of 1968, whereas the plaintiff had passed matriculation examination in 1969 and did her JBT training in 1971. She had passed her Punjabi examination of Matric standard in the year 1983 but she produced the certificate of Punjabi language of Matric standard of Santosh Kumari d/o Panni Lal, who had passed the said examination in 1975. She was not eligible to apply for the post of JBT teacher in the year 1968 being under Matric and was without JBT training and thereafter, the plaintiff has been dismissed from service after affording full opportunity of defense and show cause notice as required under Punjab Civil Service (Punishment and Appeal) Rules 1970 and also the enquiry officer, who conducted enquiry, had given full opportunity to the plaintiff. It was also stated that the suit is time barred. The plaintiff was neither selected by the Bhagat Singh Departmental Selection Committee on 28.12.1973 nor she was appointed at Government Primary School Singhpura, Dera Bassi Block, Patiala. The plaintiff misrepresented to the department that she has been selected by the Bhagat Singh Departmental Selection Committee under Roll No.9512 and succeeded in getting temporary appointment letter on six months basis, using her influence and sending instructions through DO letter from the Higher authorities, whereas the fact was that under Roll No.9512 another Santosh Kumari d/o Panni Lal was selected by the said Committee and was appointed vide appointment letter dated 28.12.1973. The plaintiff got her services regularized by producing bogus certificate regarding passing of Punjabi upto Matric standard in



September, 1975. Actually Santosh Kuamri d/o Panni Lal had passed the additional subject of Punjabi from Punjab School Education Board in the year 1975, vide Roll No.19037 securing 70 marks out of 150. On the basis of the pleadings of the parties, the following issues were framed: -

1. *Whether the order dated 26.06.1984 is illegal void, on the grounds mentioned in the plaint ? OPP*
2. *Whether the plaintiff is entitled for declaration as prayed for ? OPP*
- 3 *Whether the suit of the plaintiff is not maintainable as plaintiff was dismissed on the grounds mentioned in preliminary objections No.1 to 3 ? OPD*
- 3A *Whether the suit is barred by time ? OPD*
4. *Relief.*

4. Issues No.1 & 2 were decided in favour of the plaintiff and against the defendants, whereas issue No.3A relating to limitation was decided in favour of the defendants and against the plaintiff. The finding recorded by learned Trial Court on issue No.3A reads as under :-

“Issue No.3A

13. *Without leading any evidence on this issue the learned Government Pleader argued that order of Punishment was passed on 26-6-84 and the appeal against the same was dismissed on 22-2-1986 and the present suit has been filed on 9-8-1990 & hence being filed beyond the period of three years, was hopelessly time barred. The learned counsel for the plaintiff tried to counter this arguments on the ground that the plaintiff was acquitted in the criminal case on 25-7-1988 by the ld. Judicial Magistrate Rajpura and after that she made a representation for reconsideration her case and on 6th*



October, 1989 a letter had even been written by the Director for reconsideration of the case and in view of the subsequent events fresh cause of action had arisen on 25-7-1988. However, with due respect to that 1d. counsel for the plaintiff, I do not find any force in his argument. Hence this issue is decided against the plaintiff and in favour of the defendants.”

5. Consequently, the suit filed by the plaintiff was dismissed by the Trial Court, vide judgment and decree dated 19.10.1993 and the appeal preferred by the plaintiff was also dismissed by the First Appellate Court, vide judgment and decree dated 30.07.1998, upholding the findings recorded by the Trial Court. Aggrieved against the judgments and decrees passed by the Courts below, the plaintiff has filed the instant Regular Second Appeal.

6. Learned counsel for the appellant/plaintiff submits that both the Courts below erred in law in dismissing the suit filed by the appellant/plaintiff on the ground of barred by limitation as the same is within the limitation. He submits that after her acquittal in FIR No.32 dated 02.05.1982 registered under Sections 467, 468, 471 & 120-B of Indian Penal Code, 1860 at Police Station Rajpura, vide judgment dated 25.07.1988 passed by learned Judicial Magistrate First Class, Rajpura, the appellant/plaintiff filed a representation dated 06.02.1989 (Ex.P16) to the Secretary, Punjab Government, Primary Education seeking reconsideration of her case and on 01.09.1989 (Ex.P17) a letter had been written by the Deputy Secretary, Education to the Director of Public Instructions (Primary), Punjab to again examine the original documents of the appellant/plaintiff and decide her appeal. Thereafter,



Director, Education Department, Punjab, vide its letter dated 06.10.1989 (Ex.P18), asked the Secretary, Punjab Government, Education Department (Primary) to decide the matter at its own level. He further submits that since the appeal of the appellant/plaintiff was pending for reconsideration on 01.09.1989, therefore, the suit filed by the plaintiff on 10.08.1990 cannot be said to be barred by law of limitation. Therefore, the impugned judgments and decrees passed by the Courts below are liable to be set aside.

7. On the other hand, learned counsel for the respondents submits that there is no illegality, perversity or infirmity in the impugned judgments and decrees passed by the Courts below and the suit filed by the appellant/plaintiff has rightly been dismissed by the Courts below on the ground of limitation as the order of dismissal was passed on 26.06.1984 and the appeal against the same was dismissed on 22.02.1986, whereas the suit was filed on 10.08.1990 after a period of more than 04 years and limitation to file the suit for declaration is of 03 years. Therefore the instant Regular Second Appeal deserves dismissal.

8. I have heard learned counsel for the parties and perused the Trial Court records with their able assistance.

9. There is no dispute with regard to the facts that after holding a regular departmental inquiry in accordance with the applicable rules, the plaintiff was dismissed from service vide order dated 26.06.1984 and appeal dated 18.07.1984 filed by the plaintiff against the said order was also rejected by the Appellate Authority vide order dated 22.02.1986. However, the plaintiff filed the suit for



declaration against the abovesaid orders on 10.08.1990. In this manner, the suit was hopelessly time barred, as the limitation for filing the suit for declaration is 03 years and the same was filed after a period of more than 04 years. It is well settled proposition of law that even a void order is required to be challenged within a period of limitation. A reference can be made from the judgment of Hon'ble Supreme Court in ***State of Punjab and others Vs. Gurdev Singh and another : 1991(3) SCT 91.***

10. Further, the only explanation given by the plaintiff with regard to the delay was that after her acquittal in criminal case bearing FIR No.32 dated 02.05.1982 registered under Sections 467, 468, 471 & 120-B of Indian Penal Code, 1860 at Police Station Rajpura, vide judgment dated 25.07.1988 passed by learned Judicial Magistrate First Class, Rajpura, the plaintiff filed a representation dated 06.02.1989 (Ex.P16) to the Secretary, Punjab Government, Primary Education for reconsideration of her case and on 01.09.1989 (Ex.P17) a letter was written by the Deputy Secretary, Education to the Director of Public Instructions (Primary), Punjab for again examining the original documents of the plaintiff and deciding her appeal. Thereafter, Director, Education Department, Punjab, vide its letter dated 06.10.1989 (Ex.P18), asked the Secretary, Punjab Government, Education Department (Primary) to decide the matter at its own level. In view of the subsequent events fresh cause of action had arisen on 25.07.1988 when she was acquitted in the criminal case.

11. An acquittal in the criminal case on 25.07.1988 or making a representation for reconsideration of her case by the plaintiff, does not



automatically extend the period of limitation. Reference in this regard can be made from the judgment passed by Hon'ble Supreme Court in *S.S. Rathore Vs. State of Madhya Pradesh : 1989(4) SCC 582*, wherein it has been held that cause of action arises on the date when the statutory appellate or revisional authority disposes of the appeal or representation and repeated unsuccessful representations, not provided by law, do not affect limitation.

12. The suit is clearly barred by limitation. The cause of action, as pleaded by the plaintiff herself, arose on the date when the alleged right was first denied, however, the suit has been instituted only after the expiry of the prescribed period of limitation of 03 years. Moreover, the plaintiff has failed to place on record any cogent explanation for the delay in filing the suit. As it is a settled principle of law, that limitation goes to the root of the matter and cannot be ignored merely on equitable considerations. Since the suit has not been filed within the statutory period, it is liable to be dismissed as being barred by limitation.

13. Concurrent findings recorded by both the Courts below are legal and justified and learned counsel representing the appellant/plaintiff has failed to show that the same are perverse or illegal or based on misreading, non-reading or mis-appreciation of the material evidence on record.

14. No question of law, muchless substantial question of law has been raised or arises for consideration in the present Regular Second Appeal. No other point has been urged.

15. In view of the above, the present Regular Second Appeal,



being devoid of merit, is hereby dismissed.

16. Pending applications, if any, shall stand disposed of accordingly.

16.02.2026
Kothiyal

(NAMIT KUMAR)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No