

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

RSA-2298-2024 (O&M)

Nafe Singh

.....Appellant

Vs.

The General Manager, Haryana Roadways, Bhiwani and others

.....Respondents

Reserved on : 22.01.2026

Pronounced on : 26.02.2026

Uploaded on : 05.03.2026

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. Sunil Kumar Nehra, Senior Advocate, with
Mr. Viren Nehra, Advocate,
Mr. Rahil Mahajan, Advocate,
Mr. Arjun Dosanj, Advocate,
Mr. Anuj Chauhan, Advocate, and
Ms. Meghna Nehra, Advocate,
for the appellant.

Mr. Harish Nain, AAG, Haryana,
for the respondents.

SUDEEPTI SHARMA J.

1. The present Regular Second Appeal is preferred against the judgment and decree dated 30.11.2018 passed by the learned Civil Judge (Junior Division), Bhiwani, whereby the civil suit filed by the appellant was dismissed as well as against the judgment and decree dated 20.07.2024 passed by learned Additional District Judge, Bhiwani, whereby appeal

preferred by the appellant against the judgment and decree dated 30.11.2018 was also dismissed.

BRIEF FACTS

2. Brief facts of the case, as pleaded in the civil suit, are that appellant was appointed on 10.09.1999 and his services were terminated vide notice dated 06.02.2009. He filed Civil Suit before the learned Civil Judge (Junior Division), Bhiwani, who vide its judgment and decree dated 30.11.2018 dismissed the same. He filed appeal against the same, which was also dismissed by learned Additional District Judge, Bhiwani, vide its judgment and decree dated 20.07.2024. Hence the present regular second appeal.

SUBMISSIONS OF LEARNED COUNSELS FOR THE PARTIES.

3. Learned counsel for the appellant contends that both the Courts have failed to appreciate that the appellant had a valid conductor license bearing No.3851 dated 04.02.1994 on the date of his appointment. He further contends that as per service record exhibited by the appellant, he was appointed as Conductor on 10.09.1999 on contractual basis and his services were regularized w.e.f. 23.01.2004. Only after due verification, his services could have been continued till the year 2009. He further contends that both the Courts have failed to appreciate that on the same allegations, FIR No.55 dated 16.04.2010 at Police Station Civil Lines, Bhiwani, was also lodged, wherein vide judgment dated 21.03.2016, he was acquitted. He further contends that the issue regarding delay in filing of civil suit was never

framed still the civil suit is dismissed as time barred. He relies upon the judgment passed by Hon'ble Supreme Court in **Ram Lal Vs. State of Rajasthan and others, 2024 (1) SCC 175, Vijay Vs. Union of India, 2024 (1) Apex Court Judgments (SC) 769 and S.Bhaskar Reddy and another Vs. Superintendent of Police and another, 2015 (1) Apex Court Judgments (SC) 359**. He, therefore, prays that the present appeal be allowed and judgment and decree dated 30.11.2018 passed by learned Civil Judge (Junior Division), Bhiwani, as well as judgment and decree dated 20.07.2024 passed by learned Additional District Judge, Bhiwani, be set aside.

4. *Per contra*, learned counsel for the respondents contends that Civil Suit filed by the appellant was highly time barred since the challenge in the Civil Suit was termination order dated 06.02.2009 and the Civil Suit was filed on 21.04.2016 i.e. after a delay of more than 07 years and limitation for challenge of termination/dismissal order is 03 years. He further contends that even if plea of limitation is not taken in defence and issue is not framed, Court has power to dismiss the Civil Suit if it is barred by limitation. He further contends that Civil Suit is not maintainable since order dated 25.03.2010 passed by appellate authority, which attained finality was never challenged by the appellant. He relies upon the judgment passed by Hon'ble the Supreme Court in **State of Punjab and others Vs. Gurdev Singh and Ashok Kumar, 1991 (4) SCC 1, State of Haryana and others Vs. Bikar Singh, 2006 (9) SCC 450, S. Shivraj Reddy (Died) through His**

LRs and another Vs. S.Raghuraj Reddy and others, 2024 (2) Apex Court Judgments (SC) 277 and R.Nagaraj (Dead) through LRs and another Vs. Rajmani and others, 2025 AIR Supreme Court 2215. He, therefore, prays that the present appeal be dismissed.

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

6. Exhibit D-1 dated 08.12.1993, at number 03 of the list, proves that appellant was appointed as Conductor on contractual basis. Even Exhibit D-3 dated 26.08.1993 further shows that appellant was appointed during strike period and his name is shown at No.7 in the list. Exhibit D-7 is the report which shows that conductor license produced by the appellant was never issued in his name. Exhibit D-12 is the letter dated 06.02.2009 issued by the General Manager, Haryana State Transport, Bhiwani, whereby it has been specifically mentioned that during hearing nothing in defence was stated by the appellant with respect to the conductor license on the basis of which he procured appointment. This letter further proves that appellant was working with the respondents in the year 1993 as well and he placed on record license dated 22.11.1984, which as per report from the Licensing Authority pertains to Rameshwar son of Risal Singh.

7. Respondents contend that appellant was appointed on 08.12.1993 during strike period of December, 1993 on daily wages basis. Respondents submitted that on the basis of conductor license dated 21.11.1984, appellant was appointed on the post of conductor. As per

service record, he was regularized w.e.f. 23.01.2004 as Conductor Grade-II, vide order dated 01.10.2004, whereas appellant contends that he was never appointed in the year 1993 during the period of strike on daily wages basis. Appellant was terminated from service on the ground of illegal conductor license. A perusal of the record further shows that as per the record, appellant has falsely mentioned number of appointment letter in para No.1 of the plaint as well as in the affidavit tendered in evidence as Ex.PW1/A whereas from the document Ex.P-3, it is apparent that his appointment was on contractual basis for 89 days vide letter dated 10.09.1999. A bare reading of the appointment letter reveals that he was absorbed in service from the waiting list and there is no evidence as to on what basis list was prepared. As per the response of the respondents in the civil suit and in all their documents, the conductors who were selected as daily wagers during the strike in the year 1993 were ordered by this Court to be absorbed in the services, whereas appellant stated that he never worked in the year 1993. Appellant was appointed on the basis of conductor license which was verified from the concerned authority by the respondents and as per report Ex.D-8, the license was not issued in the name of appellant which shows that appellant was engaged in the year 1993 on the basis of 4th conductor license submitted by him, which is Ex.D-2. And once the document on the basis of which the appellant has sought appointment is forged, there is no illegality in the termination order dated 06.02.2009. Further perusal of the record shows that termination order is dated 06.02.2009 and limitation for filing civil suit

for declaration is 03 years, whereas the Civil Suit was filed by the appellant in the year 2016 i.e. after a delay of 07 years. Therefore, the civil suit filed is highly time barred.

**NOW COMING TO THE JUDGMENTS REFERRED TO BY
LEARNED COUNSEL FOR THE PARTIES**

8. Judgments referred to by learned counsel for the appellant are of no help to the appellant since the facts and circumstances of the present case are different. The appellant procured appointment on the basis of forged conductor license. Once document on the basis of which, the appointment is procured, is forged and fake, there is no requirement of departmental inquiry and further even if appellant was acquitted in the FIR on the same allegations, the department can still terminate him from services.

9. Hon'ble the Supreme Court in **R. Nagaraj's case (supra)** held that the High Court erred in remanding the matter to the trial court for fresh trial on the issue of limitation, especially when concurrent findings of fact by the trial court and the first appellate court held the suit as barred by limitation. Limitation is a statutory mandate and must be strictly enforced.

10. In view of the above discussion, I do not find any infirmity or illegality in the judgment and decree dated 30.11.2018 passed by the learned Civil Judge (Junior Division), Bhiwani, as well as in the judgment and decree dated 20.07.2024 passed by the learned Additional District Judge, Bhiwani, and the same are affirmed.

11. Consequently, the present appeal is hereby **dismissed**. Parties are left to bear their own costs. Decree sheet be drawn.

12. Pending application(s), if any, also stand disposed of.

(SUDEEPTI SHARMA)
JUDGE

26.02.2026

Virender

Whether speaking/non-speaking : Yes

Whether reportable : Yes/No