

Supreme Court of India

Punjab State & Anr vs Darshan Kumar on 2 November, 1995

Equivalent citations: 1995 SCC, Supl. (4) 220 JT 1995 (9) 130

Author: K Ramaswamy

Bench: Ramaswamy, K.

PETITIONER:

PUNJAB STATE & ANR.

Vs.

RESPONDENT:

DARSHAN KUMAR

DATE OF JUDGMENT 02/11/1995

BENCH:

RAMASWAMY, K.

BENCH:

RAMASWAMY, K.

HANSARIA B.L. (J)

CITATION:

1995 SCC Supl. (4) 220 JT 1995 (9) 130

1995 SCALE (6) 479

ACT:

HEADNOTE:

JUDGMENT:

O R D E R Leave granted.

In this case, the respondent had filed the suit questioning the orders dated 19.5.76, 28.12.77, 13.10.78, 2.7.79, 18.5.84, 29.5.86, 8.10.87 and 3.11.88 passed by the competent authority, withholding the increments. The Civil Court considered the question of limitation and held that since the procedure contemplated under the relevant rules had not been followed in conducting the enquiry, the suit is not barred by limitation. The Appellate Court has only stated that "no order was communicated".

We have gone through the allegations stated in the plaint and written statement as extracted in the judgment of the Trial Court. It does not appear that the respondent had taken the plea that the orders were not communicated to him. Admittedly, the suit was filed on September 25, 1989. Except the orders of October 8, 1987 and November 3, 1988 all other orders were passed before three years

of the filing of the suit and are clearly barred by limitation.

Under these circumstances, the decree of the Trial Court is modified to the extent that withholding of the increments by orders dated October 8, 1987 and November 3, 1988 are invalid in law. In other respects, the claims are barred by limitation.

The appeal is allowed accordingly. No costs.