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C.A.No. 1787 OF 2000  
ITEM No.105

COURT NO. 10

SECTION IV

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

CIVIL APPEAL NO. 1787 OF 2000@@  
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PARGAN RAM ...APPELLANT

VERSUS

STATE OF PUNJAB AND ANR. ...RESPONDENTS

Date : 21/01/2003 This appeal was called on for hearing today.

CORAM :  
HON'BLE MR. JUSTICE SHIVARAJ V. PATIL  
HON'BLE MR. JUSTICE ARIJIT PASAYAT

For Appellant (s) Mr. V.B. Saharya, Adv.  
for M/s. Saharya & Co., Advs.

For Respondent (s) Mr. R.S. Suri, Adv.

UPON hearing counsel the Court made the following  
O R D E R

.....L.....I.....T.....T.....T.....T.....T.....J  
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Heard learned counsel for the appellant for 20  
minutes.  
The appeal is dismissed in terms of the signed  
order.

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Sarita (Shelly Sengupta)@@  
AA  
Court Master@@  
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(Signed order is placed on the file)

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IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 1787 OF 2000@@  
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O R D E R@@  
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.....L.....I.....T.....T.....T.....T.....T.....J  
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Heard learned counsel for the parties.

The appellant instituted a suit for declaration that the order of termination of his services dated 7/12/1977 was illegal, contending that order was passed without any enquiry and without following any procedure. He also prayed for consequential benefits. The suit was resisted by the respondents contending that it was barred by limitation; it was bad for not issuing notice under Section 80 of the Civil Procedure Code and on few other contentions. The Trial Court decreed the suit. On the question of limitation, the Trial Court was of the opinion that since the order of termination of services was null and void, the period of limitation could not be put against the appellant. The respondents took up the matter in appeal challenging the judgment and decree of the Trial Court. The First Appellate Court reversed the  
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judgment and decree of the Trial Court accepting the plea of limitation advanced on behalf of the respondents. The appellant pursued the matter further by filing Second Appeal in the High Court. The High Court at the stage of admission of the appeal did not find any substantial question of law and observed that the order of termination made in 1977 was challenged in the suit in the year 1988, almost a period of 11 years. In that view the appeal was dismissed. Hence, this appeal.

Learned counsel for the appellant contended that the First Appellate Court and the High Court committed a manifest error in reversing the judgment and decree of the Trial Court. He contended that on behalf of the respondent before the First Appellate Court the learned counsel admitted that there was no enquiry and the order of termination of services could not be sustained. If that be so, the suit of the appellant on the plea of limitation could not be dismissed. Even according to the appellant he came to know about the order of termination on 15/3/1985 and the suit was instituted on 16/3/1988. The First Appellate Court observed assuming that the appellant came to know about the order of termination of  
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services on 15/3/1985, the suit ought to have been filed on or before 15/3/1988. The suit having been filed on 16/3/1988, it was barred by time. The High Court accepted this view of the First Appellate Court and rightly. In our opinion this appeal has no merit and hence, it is liable to be dismissed. It is accordingly dismissed. No costs.

.SP1

.....J.  
(SHIVARAJ V. PATIL)

New Delhi,  
January 21, 2003.

.....J.  
(ARIJIT PASAYAT)