

Departmental Enquiry Conclusion:

- Proceedings dated 10-12-1981 resulted in stopping two increments with cumulative effect.

Filing of Suit:

- Suit filed on 15-1-1988.

Limitation Act Reference:

- Article 58 of the Schedule to the Limitation Act, 1963 prescribes a three-year limitation period from the date of the order to seek a declaration that the impugned order was illegal and did not bind the plaintiff.
- The residuary provision, Article 113, also prescribes a three-year limitation period.

Commencement of Limitation Period:

- Limitation starts from the date of the order withholding increments.

Expiry of Limitation Period:

- After three years from the date of the order, the limitation period expires due to the passage of time.
- Consequently, the suit is barred by limitation.

Legal Directive:

- Section 3 of the Limitation Act requires the court to take notice of the bar of limitation before proceeding further.

Judicial Precedent:

- The legal position was confirmed by the Supreme Court in *State of Punjab v. Gurdev Singh*, (1991) 4 SCC 1, establishing that the respondent's suit is barred by limitation.

*"4. After conducting departmental enquiry, by proceedings dated 10-12-1981, two increments with cumulative effect were stopped. The suit was filed on 15-1-1988. Article 58 of the Schedule to the Limitation Act 21 of 1963 prescribes three years limitation from the date of the order, to seek a declaration that the impugned order was illegal and did not bind him. The residuary provision is Article 113 also equally prescribes the limitation of three years. The limitation starts running from the date of passing of the order withholding increments. On expiry of three years from that date, the limitation expires by the efflux of time. Consequently, the suit gets barred by limitation. Section 3 of the Limitation Act directs the court to take notice of the bar of limitation before proceeding further. This legal position was set at rest by the judgment of this Court in *State of Punjab v. Gurdev Singh*, (1991) 4 SCC 1. The suit of the respondent is barred by limitation."*

State of Punjab v. Rajinder Singh, 1999 SCC (L&S) 664

see also *State of Punjab and another v. Balkarn Singh*, 2006(12) SCC 709.

see also *Punjab State v. Hardev Singh*, 1997(2) SCT 101