

Court No. - 33

Case :- WRIT - A No. - 19373 of 2023

Petitioner :- Gauri

Respondent :- State of U.P. and others

Counsel for Petitioner :- Mohd. Shahanshah Khan

Counsel for Respondent :- C.S.C., Vivek Mishra

Hon'ble J.J. Munir,J.

Heard Mr. Mohd. Shahanshah Khan, learned Counsel for the petitioner in support of this petition and Mr. Girijesh Kumar Tripathi, learned Additional Chief Standing Counsel appearing on behalf of the State.

The petitioner earlier came up, claiming her post-retiral benefits by way of Writ - A No. 13557 of 2023. In compliance with the orders passed in that case, she has been admittedly paid all her post-retiral dues, including arrears of pension and gratuity.

The grievance of the petitioner is that since interest on the delayed payment was not claimed in Writ - A No. 13557 of 2023, she has not been paid any interest.

It is a well settled principle of procedural law that the petitioner, like a plaintiff in a suit, has to include the whole of his/her claim in the petition that is instituted for the substantive relief. Anything left out cannot be later made the subject matter of a split cause of action, where a subsequent petition may be brought. This kind of bringing of a second petition for part of the relief not claimed in the first petition is barred by principles analogous to Order II Rule 2 of the

Code of Civil Procedure, 1908.

In this view of the matter, this petition is not maintainable. It is, accordingly, **dismissed as not maintainable**.

Order Date :- 22.11.2023

I. Batabyal

(J.J. Munir, J.)