

**119 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CWP-15039-2015(O&M)

Date of Decision: 27.07.2015

JOGINDER PARSAD AND ANR

..... PETITIONERS

VS

STATE OF HARYANA & ORS

..... RESPONDENTS

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present: Mr. R.S.Mamli, Advocate for the petitioners.

1. Whether Reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

AJAY TEWARI, J. (Oral)

By this writ petition the petitioners have challenged the order Annexure P-8 whereby their promotion has been ordered to be effective from a later date. The petitioners had been issued notices in this regard and they had challenged those notices by way of filing CWP Nos. 8281 of 1994, 8495 of 1994 and 4498 of 1995. However, those writ petitions were disposed of with the following order:-

“ Learned counsel for the petitioners submitted that in view of the judgment and decree passed by this Court in RSA No. 1034 of 1993 titled as Dharam Pal V. State of Haryana and others decided on 01.04.2014, nothing survives in the present petition and the same may be disposed of as having become infructuous.

Ordered accordingly.”

It is thereafter that the present impugned order has been passed. Neither the notices have been placed on record nor has it been disclosed in this writ petition as to what were the prayers and the

ground of attack in those CWPs. It has also not been disclosed as to how those writ petitions were rendered infructuous. Learned counsel has not been able to deny that RSA No. 1034 of 1993 was essentially a service dispute between colleagues in that litigation only then inter se claims were considered. Once the show cause notices issued to the petitioners were challenged and the writ petitions were not pressed, the present petition would be barred by the principle of constructive res judicata.

The petition is dismissed.

Since the main case has been decided, the Civil Misc. Application, if any, also stands disposed of.

(AJAY TEWARI)
JUDGE

July 27, 2015
sunita