

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No. 3402 of 2015
Date of decision: 04.12.2015

Ranjit Singh

....Petitioner(s)

Versus

State of Punjab and others

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE G.S.SANDHAWALIA

Present: Mr. L.S. Lakhanpal, Advocate,
for the petitioner.

G.S.SANDHAWALIA, J. (Oral)

The petitioner prays for release of the remaining benefits alongwith interest in view of the order passed by this Court on 08.05.2009 (Annexure P-1). By virtue of the said order, the petitioner's termination order was set aside and he was held entitled to all benefits which had been granted in a similar case. The petitioner submits that he was reinstated but the complete monetary benefits have not been paid. A legal notice dated 03.07.2014 (Annexure P-2) was served upon the respondents for the release of the said benefits alongwith interest. On account of failure of the respondents to act on the same, the petitioner filed CWP No. 25341 of 2014. The same was dismissed on 11.12.2014 with liberty to take appropriate remedy available in law. The order reads thus:-

“Learned counsel for the petitioner does not wish to press the instant petition but with liberty to take appropriate remedy available in law.

Dismissed as not pressed with the liberty aforesaid.”

Thereafter, the petitioner filed COCP No. 33 of 2015, which was dismissed on the ground of limitation. The order reads thus:-

“1. The contempt petition is not maintainable and the registry itself ought not to have numbered the petition in the express provision under Section 20 of the Contempt of Courts Act that sets period of limitation of one year to any action complaining of contempt. The order was passed in the year 2009 and the petition is filed in the year 2015 for contempt of the order passed in the said writ petition.

2. The contempt petition is dismissed.

3. At this stage, the counsel for the petitioner seeks for withdrawal of the contempt petition. It is permitted to be withdrawn, be it be notified that the action for contempt cannot lie any longer.”

Resultantly, the present writ petition has been filed for the same relief which had already been not pressed in CWP No. 25341 of 2014. The second petition on the same cause of action apparently is not maintainable. The petitioner had never taken any liberty to file a fresh petition on the same cause of action and rather opted for his alternative remedy. In the alternative remedy, this Court came to the conclusion that limitation had stepped in and, therefore, the petitioner was non suited.

In such circumstances, the petitioner has lost his right of remedy by virtue of the above said orders passed. A second petition on the same cause of action does not lie. By seeking such a direction the petitioner cannot again revive his right, which he has lost.

Accordingly, the present writ petition is dismissed, in limine.

04.12.2015
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(G.S. SANDHAWALIA)
JUDGE