

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

Date of decision: 22.12.2016

CWP No.1983 of 2001 (O&M)

Ved Parkash

...Petitioner

Vs.

Haryana State Federation of Consumers Cooperative Wholesale Stores Ltd.
& others

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr. Namit Kumar, Advocate, for the petitioner.

Mr. Amit Jaswal, Advocate, for the respondents.

RAJIV NARAIN RAINA, J. (ORAL)

Having heard the learned counsel for the parties at some length, it is not necessary I think to go into the chequered history of this case or the domestic or arbitration proceedings conducted against the petitioner and his colleague, a Store Keeper in the respondent – Federation with both put to separate departmental proceedings, but common in the arbitration proceedings under the provisions of the Haryana Cooperative Societies Act, 1984.

It is not necessary to go into the past events in any detail for the simple reason that when this writ petition was pending, the petitioner submitted an affidavit before the respondent authorities undertaking that he would withdrew his petition after his reinstatement into service, if ordered.

Not only that, he gave further undertaking in the same affidavit that after

reinstatement, he would not claim pay benefits (*vaitan labh*). A photocopy of the said affidavit produced by Mr. Jaswal during the course of argument is taken on record as Mark – ‘A’. The undertaking was honoured by the employer and the petitioner was reinstated into service. In this petition, the petitioner claims arrears of salary and the difference of wages during the period of suspension or the balance of suspension allowance. The relevant extract from the affidavit in transliteration is as follows:

- “2. *Yeah ki mein naukari bahaal hone par apne vaitan ka koi arrear nahi lunga.*
3. *Yeah ki maine High Court of Punjab & Haryana, Chandigarh main CWP No.1983 of 2001 ke tahat case dayar kar rakha he. Yeah ki main apni naukari bahaal hone par apna case vaapis lene ke liye teyaar hun.*
4. *Yeah ki mein naukari par bahaal hone ke baad apne vaitan labh ke bare mein ya is case se sambandith confed par koi case nahi karunga.”*

The petitioner was bound by the undertaking given before the authorities and cannot be heard retracting from it. The affidavit seals the fate of the petitioner for any monetary benefit claimed in this petition.

Consequently, the petition is dismissed.

22.12.2016
Vimal

[RAJIV NARAIN RAINA]
JUDGE

<i>Whether speaking/reasoned:</i>	<i>Yes</i>
<i>Whether Reportable:</i>	<i>No</i>