

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

Date of decision:09/08/2016

Sh.Tarsem Lal,Ex-Constable

.....Petitioner

VS

State of Punjab and others

.....Respondents

CORAM:- HON'BLE MR.JUSTICE JASWANT SINGH

Present:- Mr.Naresh Kumar,Advocate for the petitioner.

Jaswant Singh,J(Oral)

Petitioner was enrolled as a Constable in Punjab Armed Police, Jalandhar Cantt on 16.11.1989. He was deputed to undergo Lower School Course on 15.1.1993 at Police Recruitment Training Center (for short the PRTC) Jahankhelan, Hoshiarpur. Petitioner, without any intimation or leave, remained absent from the said Course w.e.f. 19.11.1993 till 17.2.1994 i.e. for almost 80 days. Since he had remained absent for the aforesaid period, PRTC reverted the petitioner to his parental Battalion. A departmental enquiry was conducted by the parent Unit and after following due process of law an order dated 20.7.1994 was passed dismissing him from service and the period of absence was treated as period of absence without salary. Thereafter, his appeal as also the civil suit challenging his dismissal was dismissed and upheld till Regular Second Appeal before this Court.

Now after the issue having been settled and after a delay of 20 years the issue is sought to be raked up in writ jurisdiction by filing present petition on the ground that petitioner is a poor person and was suffering from Hepatitis B during the period of his absence.

Learned counsel for the petitioner has made an effort to rely on the decision of Hon'ble the Supreme Court in **State of Punjab and others v Bakshish Singh (P-3)**, 1999 AIR(SC) 2626 to seek the relief of quashing of all the proceedings.

A perusal of judgment at **P-3** reveals that the reported case was of disciplinary proceedings wherein the alleged period of absence was subsequently sanctioned and therefore, did not remain unauthorised and hence distinguishable on the facts of the present case. That apart any declaration of law post the decision does not entitle a party to seek even review of the original decision much less provide a fresh cause of action.

Accordingly,finding no merit in this petition the same is dismissed with costs of Rs.10,000/- (Rupees ten thousand only) to be deposited with District Legal Service Authority,Hoshiarpur within a period of three months from today, failing which the same shall be recovered as arrears of land revenue.

A copy of this order be sent to the Member Secretary,District Legal Service Authority,Hoshiarpur for strict compliance.

09.08.2016
joshi

(Jaswant Singh)
Judge

Whether speaking/ reasoned	Yes/No
Whether Reportable:	Yes/No