

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

Civil Writ Petition No.1961 of 2016

Date of decision: 1.2.2016

Anil Kumar

... Petitioner

Versus

State of Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr.Rajinder Sharma, Advocate,
for the petitioner.

1. To be referred to the Reporters or not?
2. Whether the judgment should be reported in the Digest?

RAJIV NARAIN RAINA, J. (Oral)

The inquiry report was submitted on 20.1.2014 before the disciplinary authority. It is the complaint of the petitioner that no action has been taken on the inquiry even though it has been communicated to him and his reply sought. In the meantime, the petitioner sought voluntary retirement on 25.8.2015 but the request was declined. He is before this Court in CWP No.26177 of 2015 challenging the order rejecting the application for voluntary retirement. The writ petition remains pending.

Ordinarily, this writ petition would be barred by the principles of Order 2 Rule 2 CPC when the petitioner made a request in the pending writ petition, then he should take measures as sought in this petition in the pending writ petition. In case such a request is made to the appropriate

roster Bench, it will be considered on merits. It would not be proper to entertain a fresh and separate writ petition for a claim which could have been taken as an alternative prayer in the pending writ petition.

However, I would relax the principles of Order 2 Rule 2 CPC in this case to give freedom to the petitioner to move an application in the pending writ petition.

With these observations, the petition stands disposed of.

(RAJIV NARAIN RAINA)
JUDGE

February 1, 2016

Paritosh Kumar