

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

**Civil Writ Petition No.22010 of 2016
Date of Decision: 03.11.2016**

Surinder Kumar

..... Petitioner

Versus

State of Punjab and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: Mr. Madhav Pokhrel, Advocate for the petitioner.

JASWANT SINGH, J. (Oral)

The petitioner joined as a direct recruit as Science Master on 24.12.1997 with the Education Department (Senior Secondary School), Punjab. He is stated to have incurred a hearing impairment during his service and accordingly was issued a Disability Certificate dated 14.09.2011 (**Annexure P-3**). The petitioner filed C.W.P. No.16398 of 2012, *inter alia*, claiming promotion to the post of Head Master being a Physical Handicapped Candidate as he had been denied such consideration in the said category while promoting others w.e.f. 02.04.2012.

During the pendency of the said writ petition, the petitioner vide order dated 31.03.2015 (**Annexure P-22**) was promoted as Head Master being a Physically Handicapped Candidate. Accordingly, CWP No.16398 of 2012 was disposed of as infructuous vide order dated 28.04.2015 (**Annexure P-23**).

The prayer now is for a direction to promote the petitioner w.e.f. 02.04.2012 as his juniors belonging to the Physically Handicapped

Category had been promoted.

After hearing learned Counsel for the petitioner, no case warranting interference is made out.

The dispute sought to be raised that the reservation under the various sub categories was not properly appropriated, was a issue to be claimed by the petitioner in the previous writ petition bearing CWP No.16398 of 2012 when his juniors belonging to the other sub categories were promoted. The principles governing under Order 2 Rule 2 CPC mandate that all claims arising out of a cause of action have to be claimed in the first instance, failing which, they are deemed to have been foregone.

Accordingly, the present petition stands dismissed.

November 03, 2016

Gagan

(JASWANT SINGH)
JUDGE

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