

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

C.M. No. 5308 of 2016 in/and
CWP No. 5456 of 2016
Date of decision: 09.05.2016

Nasib Singh

....Petitioner(s)

Versus

State of Punjab and others

...Respondent(s)

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

Present: Mr. Deepak Arora, Advocate,
for the applicant-petitioner.

G.S.SANDHAWALIA, J. (Oral)

C.M. No. 5308 of 2016

The present application has been filed for restoration of the main writ petition, which is supported by the affidavit of the counsel.

In view of the averments made, the application is allowed.

The main writ petition is restored to its original position without issuing notice since petition was dismissed in limine at the urgent stage.

CWP No. 5456 of 2016

The petitioner seeks the directions to release the complete salary and wages of the petitioner since July, 2011 with interest and to direct the regularization of the services of the petitioner in view of the policy decision dated 18.03.2011 and 17.11.2011. It is the case of the petitioner that he was appointed as Sewadar/Peon in the office of the respondents on 13.07.2007 on temporary basis/daily basis (Annexure P-1).

He had been paid wages till June, 2011 and thereafter payment of wages had not been made and he has not been regularized and his presence is not being marked.

Admittedly, the petitioner had filed CWP No. 7320 of 2013, which was disposed of on 05.04.2013 (Annexure P-10) with liberty to approach the respondents for the claim as projected or to avail alternative remedy in accordance with law. It is his case that till date, neither any order had been passed nor any payment has been released to him nor his services have been regularized. The petitioner, however, has also appended a cheque dated 16.10.2015 for ₹75,648/- in his favour and apparently his claim for wages has been satisfied. The balance claim cannot be agitated for the second time before this Court as he had withdrawn his earlier writ petition with liberty to avail of the alternative remedy and to approach the respondents.

In such circumstances, the second writ petition on the same cause of action is not maintainable. As per the case of the petitioner himself, he was no longer in service after June, 2011 and, therefore, he cannot seek the benefit of the instructions dated 17.11.2011 to claim regularization.

Accordingly, no case is made out for issuing directions, as claimed and the present writ petition is dismissed in limine.

09.05.2016
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(G.S. SANDHAWALIA)
JUDGE