

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

CWP No. 7805 of 2016
Date of decision: 28.04.2016

Denesh Kumar

....Petitioner(s)

Versus

State of Punjab and others

...Respondent(s)

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

Present: Mr. R.S. Manhas, Advocate,
for the petitioner.

G.S.SANDHAWALIA, J. (Oral)

The petitioner seeks reconsideration of his claim for compassionate appointment on the strength of the Government instructions dated 08.08.1996 (Annexure P-2) and also the letter dated 23.05.2015 (Annexure P-8) alongwith instructions dated 14.11.1996 (Annexure P-3) as according to him, posts of Inspectors in the police department were very much available and the case of the petitioner was to be considered as per the information now supplied under the Right to Information Act, 2005.

It is not disputed that the petitioner had earlier approached this Court in CWP No. 3106 of 2007 decided on 10.09.2008 (Annexure P-10). He sought appointment on compassionate grounds to which he was eligible and suitable in view of his educational qualifications. Challenge had been raised to the order dated 27.09.2006 whereby, his request had been rejected. The Division Bench was of the categorical opinion that the petitioner cannot turn around to claim appointment to a higher post on the ground that he possesses higher qualifications and had been given appointment to the post of a Constable, which post his father was also holding. A detailed order

was passed and the writ petition was dismissed on 10.09.2008 (Annexure P-10).

It is not disputed that the said order was also tested before the Apex Court and the SLP also stands dismissed in limine.

In such circumstances, the attempt in the second round of litigation on the basis of the above said instructions by claiming fresh rights is baseless. The petitioner has lost his battle and cannot be permitted to raise the same issue time and again on the ground that certain instructions were not brought to the notice of this Court. If the said plea is accepted, there would be no end to litigation.

Accordingly, this Court is of the opinion that there is no scope for interference in the present writ petition and the same is dismissed in limine.

28.04.2016
shivani

(G.S. SANDHAWALIA)
JUDGE