

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

CWP No.8370 of 2016

Date of Decision:-14.09.2016

Rachhpal Singh & Ors.

.....Petitioners.

Versus

Shiromani Gurudwara Parbandhak Committee.

.....Respondent.

CORAM:- HON'BLE MR. JUSTICE JASWANT SINGH

Present:- Mz. Vanita Sapra Kataria, Advocate for Petitioners.

JASWANT SINGH, J (ORAL)

Six Petitioners, namely, Rachhpal Singh, Sarwan Singh, Pritpal Singh, Gurdeep Singh, Jaskaran Singh and Arjan Singh are seeking their reinstatement as Sewadars in the employment of Shiromani Gurudwara Parbandhak Committee as it is claimed that their services were illegally terminated pursuant to the resolution no.1317 dated 10.10.2003 (P-6). Further challenge is to the reply dated 26.10.2015 (P-15) to the legal notice issued by the petitioners are P-13 raising such a claim in the light of similar reliefs granted to others.

After hearing learned Counsel for the petitioners, no case for interference is warranted. It is not in dispute that the petitioners along with one other employee had filed CWP No.4156 of 2014 raising similar claim of reinstatement. The said petition was dismissed vide order dated 14.03.2014

which reads as under:-

“ Petitioners, who are Six in number, claim themselves to be employees of Shiromani Gurudwara Parbandhak Committee in the rank of Sewadars and concededly orally terminated way back in the year 2003 itself. Without annexing any documents of termination of their services, a prayer for certiorari has been made in the present petition that too after a lapse of more than ten years. Further prayer has been made for directing the respondents to permit the petitioners to mark their attendance in the Attendance Register and allow them to resume their duties and to pay salaries.

Reliance for such a prayer is made on the decision of this Court dated 28.11.2013 (P-5) whereby CWP 15958/20903 alongwith a bunch of nine other writ petitions was disposed of.

A perusal of judgment(P-5) in the light of facts as stated in the present petition bears no similarities between the two.

In view of the fact that there is no order of termination, a writ of certiorari would not be maintainable; that too after a delay of more than a decade, accordingly, this Court finds no grounds for invoking the extraordinary jurisdiction of this Court under Article 226 of the Constitution. Hence dismissed.”

It is further not in dispute that petitioners thereafter got a legal notice dated 05.12.2014 (**P-13**) issued seeking identical relief without mentioning about the aforesaid order. The writ petition bearing CWP No.1303 of 2015 was subsequently filed by the petitioner and got disposed of vide order dated 25.08.2015 (**P-14**) by limiting the claim for a direction to decide the legal notice **P-13** within two months. It is conceded that even in the said writ petition no.1303 of 2015, order dated 14.03.2014 declining

such a relief was concealed. In the reply filed to the legal notice at P-15 it is rightly observed that the claim would be barred by limitation and also not to be entertained in the light of previous dismissal vide order dated 14.3.2014. Thus, the claim of the petitioners is barred by limitation, suffers from the vice of concealment as also resjudicata.

Dismissed.

(JASWANT SINGH)
JUDGE

September 14, 2016
Vinay

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