

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

CWP No. 9748 of 2016
Date of decision: 30.05.2016

Dr. Gurdev Singh

....Petitioner(s)

Versus

State of Punjab and others

...Respondent(s)

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

Present: Mr. Harnek Singh, Advocate, for the petitioner.

G.S.SANDHAWALIA, J. (Oral)

The petitioner seeks the benefit of interest on the delayed payment of arrears on account of military service benefits.

Admittedly, the petitioner filed CWP No. 2314 of 1993, in which, the following directions were issued on 03.10.2013:-

“This petition is allowed and it is directed that the petitioner will furnish the details of his military service by supplying authenticated documents containing detailed particulars to the DPI (Colleges) Punjab, within a period of one month. In case of petitioner doing so, the petitioner will be granted all the military service benefits including the benefits of emergency period from 1962 to 1968 as per rules. The petitioner will be released all the consequential benefits within a period of next three months.”

A perusal of the head note of the writ petition would go on to show that there was never any claim for interest on account of the delayed payment.

In such circumstances, once the petitioner never claimed the interest, he would not be entitled to file a second petition on the same cause of action keeping in view the principles of Order 2 Rule 2 CPC.

Resultantly, no directions can be issued for the above said claim made and the present writ petition is accordingly dismissed.

30.05.2016
shivani

(G.S. SANDHAWALIA)
JUDGE