

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA
AT CHANDIGARH

LPA No.435 of 2016

Date of decision: May 18, 2016.

Ravinder Kumar

... Appellant

v.

State of Haryana and others

... Respondents

CORAM: **HON'BLE MR. JUSTICE SURYA KANT**
HON'BLE MR. JUSTICE A.B. CHAUDHARI

Present: Shri Ravi Sharma, Advocate, for the appellant.

1. *Whether Reporters of local papers may be allowed to see the judgment ?*
2. *Whether to be referred to the Reporters or not ?*
3. *Whether the judgment should be reported in the Digest?*

Surya Kant, J. (Oral):

This letters patent appeal is directed against the order dated 4.11.2015 whereby the learned Single Judge has dismissed the appellant's writ petition in which he sought a direction for grant of retrospective seniority as Constable over his alleged juniors along with consequential monetary benefits.

We have heard learned Counsel for the appellant.

Learned Single Judge has reproduced the operative part of the order passed by this Court in an earlier writ petition filed by the appellant whereby he was ordered to be appointed as a Constable. That order unequivocally recites that “the appointment shall be treated as fresh appointment as from the date he joins and no other benefits will be admissible”. The aforesaid order was not further challenged and has

attained finality. In this view of the matter, the appellant cannot seek that his appointment made in the year 2007 should relate back to the year 2000.

Learned Counsel for the appellant contends that the impugned order has resulted in hostile discrimination inasmuch as persons ranking junior to the appellant in the merit list of 2000 and who were having criminal background, have been placed senior to him. However, as stated earlier, the order passed in the earlier writ petition has attained finality and it operates as *res judicata* against fresh proceeding on the same issue.

No case to interfere with the impugned order is made out.

Dismissed.

[Surya Kant]
Judge

[A.B. Chaudhari]
Judge

May 18, 2016.
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