

HIGH COURT OF CHHATTISGARH, BILASPUR

WA No. 118 of 2017

- D. D. Sahu S/o Shri K. R. Sahu, Aged About 59 Years Lecturer, Government Multi purpose Higher Secondary School, Balod, District Balod (Chhattisgarh).

---- Petitioner

Versus

1. State Of Chhattisgarh Through : The Secretary, Education Department, Mahanadi Bhawan, Mantralaya New Raipur, District Raipur (Chhattisgarh).
2. District Education Officer, Block Balod, District Balod (Chhattisgarh).
3. Block Education Officer, Block Balod, District Balod (Chhattisgarh).

---- Respondents

For Appellant	: Shri Tarun Dadsena, Advocate
For Respondent/State	: Shri UNS Deo, Government Advocate

Hon'ble Shri Thottathil B. Radhakrishnan, Chief Justice

Hon'ble Shri Justice Sharad Kumar Gupta

Judgment on Board

Per Thottathil B. Radhakrishnan, Chief Justice

02.08.2017

1) Heard the learned counsel for the appellant and the learned Government Advocate.

2) This appeal is against the judgment of the learned Single Judge dismissing the Writ Petition filed by the appellant seeking reliefs relating to disbursement of an amount of Rs.8,211/- and for interest on the delayed payment of salary.

3) We have perused Annexure-P/6 placed along with the Writ Petition. The learned Single Judge is right in holding that the relief sought for in this appeal was raised in Writ Petition (S)- 1778 of 2015 and that was repelled through Annexure-P/6. The appeal carried against that order was

ultimately withdrawn with liberty to pursue remedies before the administration, through the department. Obviously, therefore, the present appeal is hit by principle of *res-judicata* and also those relatable to the principles contained in Order 2 Rule 2 of the Code of Civil Procedure. We are of the view that, even if there is any question left, it is precluded on principles of constructive *res-judicata*. For these reasons, we do not find any ground to interfere with the impugned order.

4) The Writ Appeal fails. The same is accordingly dismissed.

Sd/-
(Thottathil B. Radhakrishnan)
Chief Justice

Sd/-
(Sharad Kumar Gupta)
Judge