

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

**CWP No.11087 of 2015
Date of Decision:15.02.2017**

Raj Kumar

... Petitioner

Vs.

State of Haryana and another

... Respondents

CORAM : HON'BLE MR. JUSTICE P.B. BAJANTHRI

Present : Mr. B.S. Bairagi, Advocate for the petitioner.

Mr. Harish Rathee, Sr. D.A.G. Haryana.

P.B. BAJANTHRI J. (Oral)

The petitioner is seeking writ of mandamus for his deemed date of appointment from 1991 and fixation of pay notionally with consequential benefits.

Admittedly, the petitioner was not selected to the post of Junior Librarian in the year 1991. Consequently, it was a subject matter before this Court in CWP No.15910 of 1992; decided on 14.5.2010 in favour of the petitioner insofar as issuance of appointment order is concerned. However, order is silent in relation to notional benefits from 1991. In fact the petitioner has not urged in the earlier litigation that he is entitled to notional benefits from 1991. Cause of action is taken into consideration, the petitioner had cause of action in the year 1992 or as on the date of deciding CWP No.15910 of 1992 decided on 14.5.2010. Therefore, the present petition is not maintainable.

At this stage, learned counsel for the petitioner seeks permission to withdraw the present petition reserving liberty to file necessary review application in CWP No.15910 of 1992; decided on 14.5.2010.

Dismissed as withdrawn with the aforesaid liberty.

15.02.2017
rajeev

(P.B. Bajanthri)
Judge

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No