

133 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP No.13528 of 2017

Date of decision: September 22, 2017

Naveen Sharma

....Petitioner

Versus

State of Punjab and others

....Respondents

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. A.P.S. Shergill, Advocate
for the petitioner.

JASPAL SINGH, J.

Through the instant civil writ petition preferred under Article 226/227 of the Constitution of India, petitioner has sought issuance of writ in the nature of mandamus directing the respondents to consider and appoint the petitioner as Physical Training Instructor (for short 'PTI' only) in view of Full Bench judgment dated 05.02.2010 (Annexure P-13) rendered by the Hon'ble High Court passed in CWP No.451 of 2008 titled as Manjit Singh Vs. State of Punjab and others as well as to release all the consequential benefits to which he is legally entitled to.

At the very outset of the arguments, it has emerged that previously, petitioner preferred a Civil Writ Petition No.9302 of 2013 captioned as Naveen Sharma Vs. State of Punjab and others decided on May 01, 2013 seeking the same relief, which reproduced as under:-

*“Counsel for the petitioner prays for withdrawal of the writ petition at this stage with liberty to approach the respondents in the light of the order passed in CWP No. 1572 of 2013 titled as **Kulwant Singh and others vs. State of Punjab and others**, decided on 30.01.2013.*

Dismissed as withdrawn with the liberty aforesaid”.

A glance at the aforesaid order transpires that the aforesaid writ petition was withdrawn with liberty to approach the respondents in the light of order passed in *Kulwant Singh's* case (*supra*) but there is no specific averment made in the instant petition that the legal notice served in the said case dated 11th December, 2012 has not been finally dealt with and disposed of. Rather, there is slight reference in respect of the said notice that the claim of the petitioner was not considered despite her being fully eligible for the post of PTI. After passing of order dated May 01, 2013, period of more than three years has elapsed but no petition was preferred. If representation or the legal notice has not been decided by the respondents in pursuance to order dated May 01, 2013, petitioner could have very well approach this Court by way of contempt petition or otherwise within some reasonable period but no step was taken and after the withdrawal of the previous petition, instant petition has been filed on the similar averments.

Taking into consideration the aforesaid aspects of the case, this Court does not find any merit in the instant petition. As such, the same stands dismissed.

September 22, 2017

m. sharma

**(JASPAL SINGH)
JUDGE**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No