

CWP-20986-2017

Date of Decision : 15.09.2017

Raj Kumar

.....Petitioner

versus

State of Haryana and another

....Respondents

CORAM : HON'BLE MR. JUSTICE JASPAL SINGH**Present:** Mr. B.S. Bairagi, Advocate
for the petitioner.**JASPAL SINGH, JUDGE (ORAL)**

Through instant writ petition preferred under Article 226/227 of the Constitution of India, petitioner has sought issuance of a writ in the nature of *mandamus* directing the respondents to release the benefits of seniority from the deemed date i.e. from 1991 by fixing his pay notionally and opening GPF account for pension as per rules prevailing at that point of time and grant other benefits for which he is entitled.

At the very outset of arguments, it has emerged that the petitioner previously filed CWP No.11087 of 2015 decided on February 15, 2017 wherein the following order was passed by this Court:-

“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Dismissed as withdrawn with the aforesaid liberty.”

In pursuance of the aforesaid judgment, concededly, petitioner filed a review application in CWP No. 15910 of 1992 decided on May 14, 2010 but that was dismissed. In view of the dismissal of the review application as well as withdrawal of previous CWP No.11087 of 2015 preferred by the petitioner, the second petition on the same cause of action as well as for the same relief is not maintainable and the petitioner cannot be remitted to agitate the matter which has already been set at rest.

In the light of what has been discussed above, the instant petition being devoid of merits is dismissed with no order as to costs.

(JASPAL SINGH)
JUDGE

15.09.2017
Neha

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No