

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Letters Patent Appeal No.336 of 2017 (O&M)
Date of Decision: May 24, 2017

Rajinder Kumar and anotherAppellants

versus

Uttar Haryana Bijli Vitran Nigam Ltd. and othersRespondents

**CORAM: HON'BLE MR.JUSTICE SURYA KANT.
HON'BLE MR.JUSTICE HARI PAL VERMA.**

Present: Mr.Raghubir Tejpal, Advocate, for the appellants.

-.-

Surya Kant, J. (Oral)

The appellants' writ petition seeking retrospective appointments under the Scheme for rehabilitation of the ex-appropriated land-owners, has been turned down by the learned Single Judge vide order under appeal.

[2] We have heard learned counsel for the appellants and gone through the record.

[3] It is not in dispute that the appellants had earlier filed Civil Writ Petition No.338 of 1999 which was decided on 31.05.2006 with a direction to consider their claim for appointment on the plea that soon after the acquisition of their land, their father had applied for appointment in the year 1987. In our considered view, nothing precluded the appellants to claim ante-dated appointment in the said writ petition itself. No such relief having been claimed or the same having been deemingly denied to them, they cannot re-agitate the matter. Still further, the appellants filed CWP No.18286 of 2010 claiming that they were wrongly appointed as Peons, rather they ought to have been appointed as Meter Readers i.e., the higher post to which they were entitled to in view of their academic qualifications.

The said writ petition was also allowed and consequently, the appellants were offered appointment as Lower Division Clerks. Even in the said writ petition also, no such relief of retrospective appointments was claimed.

[4] The instant writ petition has been filed at a highly belated stage in the year 2016 seeking direction for appointment from the date prior to the new Pension Scheme-2008 came into force. As the facts would speak for themselves, the appellants have twice lost the opportunity to claim such relief in the previous round of litigation. No such claim can therefore be entertained at this belated stage.

[5] Dismissed.

**[SURYA KANT]
JUDGE**

May 24, 2017
mohinder

**[HARI PAL VERMA]
JUDGE**

Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No

CM No.708 of 2017 in
LPA No.336 of 2017

- - -

Rajinder Kumar and another vs. Uttar Haryana Bijli Vitran Nigam Ltd.& ors

Present : Mr.Raghubir Tejpal, Advocate,
for the applicant-appellants.

* * *

For the reasons mentioned in the application, the same is
allowed subject to all just exceptions and exemption from filing true typed
copy of the impugned order, writ petition and its annexures is granted.

CM stands disposed of.

(SURYA KANT)
JUDGE

May 24, 2017
mohinder

(HARI PAL VERMA)
JUDGE