

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

LPA-844-2017

Date of Decision: May 23, 2017

Umesh Kumar

.....Appellant

Versus

State of Haryana and others

.....Respondents

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

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|----|---|---------|
| 1. | To be referred to the Reporters or not? | Yes/No |
| 2. | Whether the judgment should be reported in the Digest? | Yes/No. |
| 3. | Whether Reporters of local papers may be allowed to see the judgment? | Yes/No |

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Present: Mr.Jatinder Nagpal, Advocate
for the appellant.

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SURYA KANT, J.

This *Intra-Court Appeal* assails the order dated March 02, 2017 whereby learned Single Judge has dismissed the appellant's writ petition claiming appointment as Taxation Inspector w.e.f. 12.11.1986.

[2] Suffice to mention here that father of the appellant was working as Assistant Excise and Taxation Officer in the service of Government of Haryana when he unfortunately died on 20.12.1985. The appellant claimed his appointment on compassionate ground and the matter went upto the Hon'ble Supreme Court in a case reported as **Umesh Kumar Nagpal vs State of Haryana & Ors** 1994(4) SCC 138.

[3] Thereafter, the appellant filed CWP No.2489 of 1996 seeking direction for his appointment as Excise and Taxation Inspector in terms of the above-stated judgment and also to consider him for promotion as

Assistant Excise and Taxation Officer. A Division Bench of this Court

allowed the said writ petition in part on July 01, 1997 in the following terms:-

“In the result, the writ petition is partly allowed. The respondents are directed to issue appropriate order ante-dating the appointment of the petitioner as Taxation Inspector w.e.f. 9.10.1994, i.e. the date on which three months' period counted from the date of the application expired. The petitioner shall get all other service benefits except the monetary benefits for the period between 9.10.1994 and the date of his joining in pursuance of order dated 5.1.1996. Others prayers made by the petitioner are rejected.”

[4] It may be seen that the appellant's claim for appointment w.e.f. 09.10.1994 was accepted and his other prayers were rejected. It is also an admitted fact that the above reproduced judgment has attained finality.

[5] We are, thus, of the view that once the appellant had accepted his appointment w.e.f. 9.10.1994 and the judgment *inter se* parties has attained finality, he could not be permitted to re-agitate the matter and seek appointment w.e.f. 12.11.1986. Learned Single Judge has rightly declined such a relief which is barred by principle of *res judicata*.

[6] Dismissed.

(SURYA KANT)
JUDGE

May 23, 2017
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(HARI PAL VERMA)
JUDGE

1.	Whether speaking/reasoned ?	Yes/No
2.	Whether reportable ?	Yes/No