

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-5462-2017 (O&M)

Date of decision: August 06, 2018

Pyare Lall Former P.C.S. (J) (since deceased) through his LRs
.....Petitioner(s)

Versus

State of Punjab and others
.....Respondents

CORAM: HON'BLE MR. JUSTICE A.B. CHAUDHARI
HON'BLE MR. JUSTICE KULDIP SINGH

Present: Mr. Dinesh Kumar, Advocate
for the petitioner(s).

A.B. CHAUDHARI, J.

This Court had made the following order on 24.04.2018:-

“Learned counsel for the petitioner fairly states that after the resignation from the service on 30.03.1978, the petitioner had filed Civil Suit No.396 dated 17.10.1987 which was eventually dismissed on 16.02.2012 perhaps and if so rightly on the ground of law of limitation, as can be seen from para No.12 of the petition. Thereafter, the petitioner had filed first appeal before District Judge which was dismissed on 08.11.2013. He further stated that thereafter, regular second appeal No.2532 of 2014 was filed which was stated to have been withdrawn. However, it appears that the regular second appeal was withdrawn by the petitioner without obtaining any liberty to lodge any other lis. Learned counsel for the petitioner further submits that the suit was filed only for declaration i.e. his resignation was voidable as was obtained by force. We find that consequent to the declaration as stated by

him, further reliefs in the matter of similar benefits were not claimed in the civil suit, then perhaps the plea of abandonment in seeking relief may come in his way in this petition. In that view of the matter, the petitioner is put up on the notice as to the maintainability of the petition on this preliminary objection.

The petitioner is directed to place on record all the relevant documents to come to a proper conclusion.

Adjourned to 05.07.2018.”

In the light of the decision of the Apex Court in the case of ***Sarguja Transport Service vs. State Transport Appellate Tribunal, Gwalior and others 1987 AIR (SC) 88***, the present petition would obviously be hit by the ratio laid down in above decision.

In that view of the matter, the objection that was raised by this Court, stands upheld and petition is dismissed on the above ground.

(A.B. CHAUDHARI)
JUDGE

(KULDIP SINGH)
JUDGE

August 06, 2018
anju rani

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