

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

**CWP NO.4155/2018
DATE OF DECISION:09.07.2018**

Sukhwinder Singh

.....Petitioner

V

State of Punjab and others

.....Respondents

Coram:- Hon'ble Mr.Justice Jaswant Singh

Present:- Mr.Jasdeep Singh,Advocate for the petitioner.

Jaswant Singh,J.(Oral)

Petitioner, a dismissed Constable, has filed the instant petition seeking a writ of mandamus directing the respondents to release consequential service benefits alongwith interest to him.

Petitioner was enrolled as a Constable with Punjab Police on 30.9.1989. On 4.5.2003 he alongwith another Constable Baljinder Singh was on Escort Duty to produce one under trial Ram Parshad before the Court. However, he admittedly absented from duty as a result of which Ram Parshad undertrial escaped from custody following which an FIR in this regard was rejected. For the said dereliction in duty, a regular departmental enquiry was held wherein petitioner was found guilty and dismissed from service vide order dated 22.3.2005 passed by SSP Patiala. The appeal, revision and mercy appeal filed by him were dismissed by DIG,Patiala Range, IG, Patiala Zone and DGP vide orders dated 28.11.2005, 5.9.2006 and 29.1.2014 respectively.

Thereafter petitioner challenged the aforesaid punishment order and subsequent orders passed by appellate/revisional authorities by filing CWP No.12146/2017. In the said petition he had also sought his reinstatement and release of consequential benefits. The said petition was dismissed by this Court vide orders dated 25.7.2017.

Now again petitioner by way of filing this petition is seeking the same relief of consequential service benefits, as has been granted to his co-accused colleague.

The petitioner, already having availed judicial remedy by filing aforesaid writ petition and having remained unsuccessful, now cannot be permitted to rake up the same issue in this petition.

Dismissed.

09.07.2018
joshi

(Jaswant Singh)
Judge