

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

**LPA No. 1405 of 2018 (O&M)
Date of decision: 14.9.2018**

Ex Constable Sukhwinder Singh

... Appellant

Versus

State of Punjab and others

... Respondents

**CORAM: HON'BLE MR. JUSTICE KRISHNA MURARI,
CHIEF JUSTICE
HON'BLE MR. JUSTICE ARUN PALLI**

Present: Mr. Jasdeep Singh, Advocate
for the appellant.

KRISHNA MURARI, CHIEF JUSTICE (Oral)

CM-3805-LPA-2018

This is an application seeking condonation of delay of 31 days in filing the accompanying appeal.

For the reasons set out in the application, which is duly supported by an affidavit, the same is allowed. Consequently, the delay of 31 days in filing the accompanying appeal is condoned.

Application stands disposed of.

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This is an intra-court appeal, under Clause X of the Letters Patent, against the judgment and order dated 9.7.2018, passed by the learned Single Judge, dismissing the writ petition filed by the appellant, seeking a Mandamus to command the respondents to release consequential service benefits along with interest.

Facts of the case are that the petitioner, who was working as a Constable, was dismissed from service after disciplinary proceedings. He exhausted all the departmental remedies available under the Service Rules.

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After the mercy petition filed by him was also dismissed, he approached this Court by filing CWP No. 12146 of 2017. In the said writ petition, he sought reinstatement and release of consequential benefits. The said petition came to be dismissed by the learned Single Judge vide judgment and order dated 25.7.2017. Subsequently, the writ petition, out of which present LPA arises, was filed seeking a writ of Mandamus commanding the respondents to release consequential service benefits. The learned Single Judge held that the prayer sought in the writ petition was already denied to the petitioner in the earlier writ petition filed by him, as such he cannot be permitted to rake up the same issue by filing second writ petition.

In view of the aforesaid facts and circumstances, we do not find any infirmity in the view taken by the learned Single Judge, which may require any interference by us. Further, provisions of Order II Rule 2 of the Code of Civil Procedure as well as Public Policy bar filing of second writ petition based on the same cause of action and seeking the same relief.

The appeal being devoid of merit accordingly stands dismissed.

(KRISHNA MURARI)
CHIEF JUSTICE

(ARUN PALLI)
JUDGE

September 14, 2018
AK Sharma

Whether speaking / reasoned:	YES
Whether Reportable:	NO