

IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

120

CWP-12594-2020(O&M)  
Date of Decision : 24.8.2020

Manish Bhatara and others

.... Petitioners

Vs.

State of Punjab and others

.... Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI  
HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present :- Mr. Vikas Kuthiala, Advocate  
for the petitioners.

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AJAY TEWARI, J. (Oral)

1. By this petition the petitioners have challenged the Condition No.3 of the appointment letter (Annexure P-1) dated 04.11.1999 which are to the following effect:-

*“3. Training period: You will be kept on training for one year during starting period of appointment. During the said period, quarterly report regarding your act & conduct will be considered. After satisfactory training for one year, your services will be regularized. In case your act & conduct during training period is found unsatisfactory, your services can be terminated by the competent authority during the training period without issuing any notice. The quarterly report will be recorded by the concerned Chief Engineer/Thermal.”*

2. The challenge has also been made to the vires of Rule 9 and Rule 13 which prescribed the same requirement.

3. As per the counsel for the petitioners, if this condition is set aside the petitioners would be permitted to count his seniority from the

initial date of appointment instead of after one year. Counsel for the petitioners has not denied that they had earlier filed a civil writ petition being CWP No.5577 of 2008 wherein the prayer made was that the petitioners should be granted seniority from the date of their initial appointment and not after one year. That writ petition was dismissed on 27.07.2009.

4. In our considered opinion, now after 12 years the present writ petition, if allowed, would have the same result viz. grant of one year seniority to the petitioners. The present petition would be covered by the principles of Order 2 Rule 2 CPC since in both the petitions the claim is the same viz. grant of seniority from a period of one year earlier. It was open to the petitioners to have taken all the grounds now being sought to be taken in the previous petition as mentioned above. Having not done so, the petitioners can not now file the present petition.

5. Consequently, the petition is dismissed.

6. Since the main case has been decided, the pending miscellaneous application, if any, also stands disposed of.

**( AJAY TEWARI )**  
**JUDGE**

**( JASGURPREET SINGH PURI )**  
**JUDGE**

**August 24, 2020**  
*ashish/poojasharma-I*

Whether speaking/reasoned - Yes/No

Whether reportable - Yes/No