

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP-24654-2014 (O&M)
Date of Decision:-28.02.2020.

Kesar Singh

.....Petitioner

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE SANJAY KUMAR

Present: Mr. Imran A. Ali, Advocate for
Mr. Mansur Ali, Advocate for the petitioner.

Mr. Luvinder Sofat, AAG, Punjab.

Mr. Ashish Grover, Advocate for respondent No.3.

SANJAY KUMAR, J. (Oral)

The prayer of the petitioner in this case reads as under:-

“Petition under Article 226/227 of Constitution of India for issuance of an appropriate Writ, Order or Direction quashing the impugned orders Annexure P-9 dated 4.4.2011/26.4.2011 and Annexure P-11 dated 17.9.2012/1.10.2012/27.9.2012 whereby the salary of the petitioner has been reduced without issuing notice to the petitioner and against the principals of natural justice.”

However, when the matter was taken up for hearing on 16.12.2014, Mr. Mansur Ali, learned counsel for the petitioner, stated that he would limit his prayer only to challenging the reduction in the petitioner's pay from Rs.11,450/- to Rs.11,040/-. This reduction was admittedly effected

The record reflects that the petitioner earlier filed **CWP-1737-2014** before this Court. Therein, apart from raising a grievance with regard to the promotion of a third party as a Driver, the petitioner also complained of being reduced to the rank of Beldar, resulting in reduction of his pay and consequential recoveries. By order dated 30.01.2014, this Court permitted the petitioner to withdraw the writ petition, leaving it open to him to file a civil suit for seeking redressal of his grievances in accordance with law.

Having invited such an order voluntarily, it is not open to the petitioner to again seek to reopen the issue of reduction of his pay before this Court by way of the present writ petition. The petitioner cannot be permitted to approbate and reprobate as per his convenience.

The writ petition is accordingly dismissed on this short ground.

Pending miscellaneous application shall also stand dismissed.

No order as to costs.

(SANJAY KUMAR)
JUDGE

February 28, 2020.

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Whether speaking/reasoned:-

Yes / No

Whether Reportable:-

Yes / No.