

In the High Court of Punjab and Haryana, at Chandigarh

Civil Writ Petition No. 13641 of 2021

Date of Decision: 27.07.2021

Jagdish Kumar

... Petitioner(s)

Versus

State of Punjab and Others

... Respondent(s)

CORAM: Hon'ble Mr. Justice Anil Kshetarpal.

Present: Mr. Avtar Singh Bhatti, Advocate
for Ms. Satinder Kaur, Advocate
for the petitioner(s).

Ms. Kanica Sachdeva, Assistant Advocate General,
Punjab for respondent No.1 to 6.

Mr. Satbir Gill, Advocate
for respondent No.7.

Anil Kshetarpal, J.

1. After arguing for some time and on realizing that the Court is not inclined to issue the writ, learned counsel representing the petitioner prays for permission to withdraw the writ petition.

2. This Court is of the *prima facie* view that the petitioner and his counsel have tried to mislead the Court, therefore, the prayer for withdrawal of the writ petition is declined.

3. The petitioner, through the same counsel, filed Civil Writ Petition No. 12259 of 2021 (“Jagdish Kaur v. State of Punjab and Others”), which was dismissed on 09.07.2021 with the following order:-

“The hearing of the case was held through video

conferencing on account of restricted functioning of the Courts.

The petitioner has only been issued a show cause notice on the basis of an inquiry report dated 26.05.2021. The petitioner is stated to have filed a reply. As of now, no adverse order has been passed against the petitioner. In the writ petition, a copy of the report dated 26.05.2021 has not been attached. The petitioner has only been issued a notice to explain his position with regard to the report. Hence, no ground to issue the writ has been made out.

Dismissed.

All the pending miscellaneous applications, if any, also stand disposed of”.

4. The petitioner, through the same counsel, has filed a fresh writ petition with the following assertion:-

“”7. That the petitioner has not filed any other writ in this Hon’ble Court or any other Courts or the Hon’ble Supreme Court of India on such or similar points”.

5. On being confronted, learned counsel, representing the petitioner, has pointed out that the filing of the previous writ petition has been disclosed in para 5 of the writ petition, which reads as under:-

“5. That the representations of the above said violations have been sent to the Director Rural Development and Panchayat and the personal meeting were also held, the officials show their inability to do anything due to strong headed attitude of the local MLAs, so the petitioner seeing no remedy to decided to knock the doors of the Hon’ble High

Court. The copy of the legal notice is attached as Annexure P-16. The writ petition was duly filed CWP-12259 of 2021 which came on hearing but due in the notice No Annexure No. 15 in which enquiry No. 3387 was mentioned but it was never given to the petitioner, so the said CWP was withdrawn in deficiency of the said document, thereafter, the inquiry was demanded and after opening the strike of the employees of the said department its photo copy is given to the petitioner and it is appropriate to mention here that only application of the private complainant Annexure P-17 and the copy of the FIR is there in the department file on the name of enquiry which was never conducted either by the BDPO or DDPO, the so called alleged inquiry is ex-parte cryptic order passed as Annexure P-15. Moreover the law point here is that the 2 inquiries of Divisional Deputy Director upon the same complaints consisting the latest one held on 02.02.2021 in which the complaint was found false. Now the question arises here that whether the BDPO and DDPO are above the senior authorities”.

6. In the index of the writ petition, learned counsel has made the following disclosure:-

“3. Any Similar CWP-12259 of 2021 D/D”.

7. It is apparent that in para 7, the petitioner has made a factually incorrect statement. Still further, the order, in an identical writ petition, has already been passed. The petitioner, while filing the writ petition, did not annex the order passed in the previous writ petition.

8. Admittedly, no order, adverse to the rights of the petitioner, as has yet been passed.

9. Hence, the present writ petition is dismissed.

(Anil Kshetarpal)
Judge

July 27, 2021
“DK”

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No