

127 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-20800-2021
Date of Decision: 11.10.2021

SARWAR KUMAR

...Petitioner

Versus

STATE OF HARYANA AND OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present : Mr. Manoj Chahal, Advocate
for the petitioner.

Mr. Saurabh Mohunta, D.A.G., Haryana.

(Presence marked through Video Conference)

ARUN MONGA, J. (ORAL)

Impugned herein is an order dated 20.09.2021, vide which, the services of the petitioner, working on the post of Carpenter, have been terminated *inter alia* stating that the same are no longer required.

2. On advance service, learned State counsel appears and opposes issuance of notice of motion in the petition.

3. He submits that the petitioner had earlier approached the labour Court against termination of his services in the year 2006 and vide an award rendered therein, he was directed to be re-instated with continuity in services and 50% back wages. Aggrieved, the State filed a Writ Petition before this Court bearing CWP-7581-2008, which was allowed and the Labour Court award was set aside in totality.

4. Learned State counsel further submits that the SLP filed against the judgment of the High Court was though initially allowed but Civil Appeal No.7365 of 2013, arising therefrom, was finally dismissed by the Apex Court.

5. Net result in my view is, that the judgment rendered by this Court setting aside the Labour Court award has since attained finality, the petitioner has to naturally bear the consequences thereof.

6. On a Court query, learned counsel for the petitioner does not controvert the previous round of litigation and the outcome thereof. He, however, argues that since the petitioner was allowed to continue for about a year even after the Apex Court had dismissed his appeal, he ought to be allowed to continue further in service, regardless of the outcome of previous round of litigation. He submits that currently there is a sanctioned post of Carpenter lying vacant and if, the department so wishes, the petitioner can still be accommodated by taking a fresh look at the matter without being influenced by the previous round of litigation.

7. After having heard the rival contentions, this Court refrains to interfere in its extra ordinary writ jurisdiction. Concededly, the petitioner having lost his claim on the post of Carpenter right up to Supreme Court is trying to now seek same benefit indirectly, which has directly been denied to him.

8. Dismissed.

9. However, in case, the department, on its own volition, wishes to consider the claim of the petitioner purely on other considerations i.e. the requirement of his services on the vacant post and/or by considering him as a fresh candidate, the department is at liberty to do so, in accordance with law

and the dismissal of his earlier claim would not non-suit him to compete afresh.

10. Dismissed with the aforesaid observations.

October 11, 2021

gurpreet

(ARUN MONGA)

JUDGE

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No