

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

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2023:PHHC:065143

**CWP-14358-2001 (O&M)
Date of decision: 05.05.2023**

MOHINDER SINGH & ANR.

..Petitioners

Versus

STATE OF PUNJAB AND ORS

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. G.S. Bajwa, Advocate
for the petitioners.

Mr. R.K. Kapoor, Addl. A.G. Punjab.

Mr. Rajeshwar Singh Thakur, Advocate
for respondent No.7.

ANIL KSHETARPAL, J(Oral)

The petitioners as well as private respondents stand already retired from the service. The dispute with regard to the inter se seniority as come up for disposal. The petitioners claim that they were senior to the private respondents as clerks but they were promoted subsequently as Senior Assistant than private respondents. From the chart given by the petitioners, it is evident that the private respondents were promoted as Senior Assistants in the year 1987, whereas, the petitioners were promoted in the year 1988. The first writ petition was filed by the petitioners in the year 1989, which was disposed of while directing the respondents to decide their representation. The aforesaid representation was rejected on 09.05.2000 resulting in filing of the present writ petition.

It is the stand of the government that at the relevant time there was requirement of passing assistant grade examination and the private respondents passed the examined before the petitioner.

Be that as it may.

In *C. Jacob Vs. Director of Geology & Min. Indus. Est. and another with I.A. No.1, 2009 AIR (SC) 264*, the Supreme Court has held that the decision on the representation on the direction of the Court does not furnish a fresh cause of action to the party. In fact, the Court has noticed “ill-effect” of such orders while deprecating such practice. As is evident, the petitioners for the first time came to the Court in the year 1989, though, they were superseded for promotion to the post of Senior Assistant in the year 1987.

In these circumstances, it would not be appropriate for the Court to exercise writ jurisdiction particularly when if the petitioners were to file a suit for the same relief, the same is likely to be dismissed as time barred. Moreover, the jural relationship between the government and the petitioners have come to an end.

With these observations the present petition is dismissed.

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

May 05th, 2023

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(ANIL KSHETARPAL)
JUDGE

<i>Whether speaking/reasoned</i>	:	<i>Yes/No</i>
<i>Whether reportable</i>	:	<i>Yes/No</i>