

**IN THE HIGH COURT OF PUNJAB AND HARYANAAT
CHANDIGARH**

109

CWP-4482-2023 (O&M)

Date of Decision: 03.03.2023

BIJENDER SINGH

... Petitioner

Versus

STATE OF HARYANA AND ORS

... Respondents

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Akshay Bansal, Advocate
for the petitioner.

HARNARESH SINGH GILL, J.(Oral)

Prayer in this petition is for issuance of a writ in the nature of Mandamus directing the respondents to release the retiral benefits of the petitioner, along with interest @18% p.a.

Learned counsel for the petitioner submits that on 01.12.1998, the petitioner was appointed as Demonstrator in the Shri Krishna Government, Ayurvedic College, Kurukshetra; that, later on the post of Demonstrator was re-designated as Lecturer in the Ayurvedic College(s); that after having been promoted to the post of Assistant Professor, the petitioner worked as such from 17.07.2013 to 31.01.2022 and that, after having rendered service for about 24 years, the petitioner retired on 31.01.2022.

At this stage, learned counsel for the petitioner has very fairly conceded that this is the second round of litigation preferred by the petitioner; that earlier also the petitioner preferred CWP-29327-2022 for

the same relief, as sought in this petition and that the said petition was disposed of vide order dated 19.12.2022 passed by a Coordinate Bench of this Court, the relevant extract whereof would read as under:-

'6. Without commenting on the merits of the case, the instant writ petition is disposed of with a direction to the respondents to look into the pending representation dated 30.03.2022 (Annexure P-3) of the petitioner and pass an administrative order, giving reasons thereof, in accordance with law

7. Let the needful be done as expeditiously as possible'.

Learned counsel further submits that despite issuance of specific directions by this Court, the respondents have not decided the representation dated 30.03.2022 moved by the petitioner, till date.

I have heard the learned counsel for the petitioner.

It is not disputed by the learned counsel for the petitioner that the petitioner had earlier approached this Court by way of CWP-29327-2022, praying for release of the retiral benefits. The said petition was disposed of by a Coordinate Bench of this Court on 19.12.2022, directing the respondents to decide the representation dated 30.03.2022 moved by the petitioner, yet the same has not been decided by the respondent-Department, till date.

Be that as it may, the fact remains that the petitioner had earlier approached this Court and specific directions were issued to the respondent-Department to consider the representation made by the

petitioner and pass an administrative order, giving reasons thereof, in accordance of law.

Since, the relief sought for by the petitioner in this petition, has already been granted by a Coordinate Bench of this Court, no similar order can be passed. Moreover, non-compliance of the order passed by the Coordinate Bench, would not give any cause of action to the petitioner to maintain the present petition.

In view of the above, finding no merit in the present petition, the same is dismissed.

03.03.2023

Aman Jain

(HARNARESH SINGH GILL)

JUDGE

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