

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Letters Patent Appeal No. 97 of 2023 (O&M)
Date of Decision: 02.02.2023

Naib Singh

.....Appellant

versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE RAVI SHANKER JHA, CHIEF JUSTICE
HON'BLE MR. JUSTICE ARUN PALLI, JUDGE

Present : Mr. Rupam K.Aggarwal, Advocate, for the appellant.
Mr. Avinit Avasthi, Assistant Advocate General, Punjab.

RAVI SHANKER JHA, CHIEF JUSTICE (oral)

CM No. 304-2023

For the reasons mentioned in the application, delay of 92 days in refilling the appeal is condoned. Application stands allowed.

Main appeal

This appeal is directed against the order dated 17.08.2022 passed by the learned Single Judge in Civil Writ Petition No. 17928 of 2022 whereby the petition filed by the petitioner seeking setting-aside of the order dated 27.10.1995, by which he was discharged from duties of Special Police Officer (SPO), has been dismissed on the ground that the issue raised by the petitioner stands concluded by the judgments and decrees of the competent Courts and therefore, the same cannot be raised in the writ petition.

Learned counsel for the appellant argued that the persons who are similarly placed with the petitioner, have been granted benefits by the respondents and therefore, he has been subjected to injustice and discrimination. He, however, does not dispute the fact that the petitioner, who was engaged as SPO on daily wage basis, was discharged from service

against which he had filed a civil suit before the competent Court which was

dismissed on 23.10.1997 on the ground that the petitioner being a daily
wager has no right to claim any relief. It is also undisputed that against the
said judgment of the Civil Court, the appellant has filed an appeal, which has
also been dismissed vide order dated 12.11.1999. The petitioner has also not
denied the fact that subsequent to the coming into force of the policy
granting benefit to the persons like the petitioner, the petitioner had again
approached the Civil Court by filing a civil suit which was also dismissed as
barred by *resjudicata* on 28.09.2013 and against which he had again filed an
appeal which too was dismissed on 19.01.2017.

Upon being pointedly asked as to how after the suit filed by the
appellant, claiming identical relief, was dismissed and the decrees passed by
the trial Court having been affirmed in appeal and attained finality, the
appellant could still re-agitate the matter before the Writ Court, learned
counsel for the appellant fails to render any explanation least plausible. In
such circumstances, we do not find any illegality or perversity in the
impugned order passed by the learned Single Judge dismissing the petition
on the ground of *resjudicata* and non maintainability. The appeal being
devoid of merits stands dismissed.

(RAVI SHANKER JHA)
CHIEF JUSTICE

(ARUN PALLI)
JUDGE

02.02.2023
ravinder

Whether speaking/reasoned.	√Yes/No
Whether reportable	Yes/No√