

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

1. LPA-549-2017 (O&M)

Krishna Devi Appellant

Vs.

Union of India and others Respondents

2. LPA-621-2017 (O&M)

Davinder Pal Singh Appellant

Vs.

Union of India and others Respondents

3. LPA-623-2017 (O&M)

Rakesh Kumar Appellant

Vs.

Union of India and others Respondents

4. LPA-838-2017 (O&M)

Gurinder Singh Appellant

Vs.

Union of India and others Respondents

5. LPA-839-2017 (O&M)

Vijay Kumar Appellant

Vs.

Union of India and others Respondents

6. LPA-899-2017 (O&M)

Rajesh Kumar Appellant

Vs.

Union of India and others Respondents

7. LPA-979-2017 (O&M)

Harpal Singh Appellant

Vs.

Union of India and others Respondents

8. LPA-760-2017 (O&M)

Manish Kumar Appellant

Vs.

Union of India and others Respondents

9. LPA-769-2017 (O&M)

Dupinder Kumar Appellant

Vs.

Union of India and others Respondents

10. LPA-1847-2017 (O&M)

Kuldeep Singh Appellants

Vs.

Union of India and others Respondents

Date of Decision: 01.02.2023

CORAM: HON’BLE MR JUSTICE M.S. RAMACHANDRA RAO
HON’BLE MRS JUSTICE SUKHVINDER KAUR

Present: - Mr.Jasbir Singh, Mr. Sukhcharan Singh Sahoke &
Mr.Jai Bhagwan, Advocates,
for the appellant

Mr. Mohit, Advocate for
Mr. Amit Arora, Advocate,
for respondent-UOI.

Mr. Ranjan Lohan, Advocate,
for respondents No.2&3/BOI.

M.S. RAMACHANDRA RAO, J. (ORAL)

All these Letters Patent Appeals have been preferred against an order passed by the learned Single Judge dt.10.03.2017 in CWP No.24742 of 2015 and batch, whereby the learned Single Judge had dismissed the Writ Petitions as not maintainable on the ground that the appellants had earlier filed CWP No.23581 of 2015 and had withdrawn the same on 29.02.2016 without seeking liberty to file a fresh Writ Petition.

Counsel for the appellants contends that previous Writ Petition had been filed prior to November, 2015 and on 04.11.2015, notice of motion was issued to respondent Nos. 2 and 3, and after such notice was issued, the appellants were not allowed to perform their duties as casual employees.

There is a specific pleading about the engagement of the appellants in para 4 and there is a reference to Annexure P2/certificate issued by Special Assistant of Respondent No.2/ Bank, and in para 20 and para 29(17), there is a specific pleading that after receipt of notice of motion in the said Writ Petition, the respondents had not permitted the appellants to perform their duties.

There is no rebuttal of this pleading in the written response filed by respondent Nos. 2 and 3 in the Writ Petition.

Therefore, if the disengagement of the appellants was after the filing of the CWP No.23581 of 2015, it would be a fresh cause of action, insofar as the claim of the appellants for their reinstatement is concerned, because such a plea could not have been subject matter of CWP No.23581 of 2015, when the appellants had not been disengaged by the respondents.

It appears that the learned Single Judge had not noticed this circumstance and had erroneously taken the view that the cause of action is

one and the same in the previous Writ Petition as well as the Writ Petitions out of which the present LPAs arise, and held them to be not maintainable.

Accordingly, the order dt.10.03.2017 passed by the learned Single Judge in CWP No.24742 of 2015 in batch is hereby set aside; Writ Petitions are held to be maintainable; and since there is no adjudication on the merits of the contentions of the appellants in the said Writ Petitions, they are remitted back to the learned Single Judge for fresh consideration on the merits.

It is made clear that this Court has not expressed any opinion on the merits of the contentions of the either parties.

Matters be listed before the learned Single Judge having provision for such matters as per roster on 27.02.2023.

A photocopy of this order be placed on the files of the connected cases.

Pending application(s), if any, shall stand disposed of.

(M.S. RAMACHANDRA RAO)
JUDGE

(SUKHVINDER KAUR)
JUDGE

01.02.2023

Vivek

1. *Whether speaking/reasoned?*
2. *Whether reportable?*

Yes/No
Yes/No