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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-1730-2023 (O&M)

Date of decision : 26.04.2023

Inder Mohan Singh

...Petitioner

Vs.

The New India Assurance Co.Ltd
and others

...Respondents

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Ms. Suman Chaudhary, Advocate
for the petitioner.

MANOJ BAJAJ, J.

CM-1558-CWP-2023

Application is allowed as prayed for.

Main case

This writ petition has been filed under Article 226 Constitution of India for issuance of a writ in the nature of mandamus directing the respondents to treat the petitioner in service and further to provide and release all the consequential service benefits.

During the course of hearing, it is not disputed by learned counsel that the services of the petitioner were terminated on 26.03.1999 and against this decision, petitioner preferred statutory appeal, but simultaneously he had also instituted a Civil Suit bearing No.341T02/22.07.1998, which was dismissed vide judgment and decree dated 15.10.2003 (Annexure P-8) and subsequently, the appellate authority also dismissed the statutory appeal on 18.11.2003. The petitioner filed another suit on the same cause of action,

which also failed through judgment and decree dated 31.10.2008 (Annexure P-9), holding it to be hit by the *doctrine of resjudicata*. Aggrieved against the decree dated 31.10.2008, the petitioner preferred his first appeal and vide decision dated 12.05.2011, the case was remitted back before the appellate authority i.e. Manager of insurance company. Against this judgment and decree dated 12.05.2011, both the parties preferred their respective appeals and appeal preferred by the department was accepted, whereas the appeal preferred by the petitioner was dismissed. The said decision was further upheld by the Hon’ble Supreme Court.

Since the issue relating to the termination of service of the petitioner has already attained finality up to the Hon’ble Apex Court, this Court is not inclined to entertain this writ petition.

Dismissed.

(MANOJ BAJAJ)
JUDGE

26.04.2023

vanita

Whether speaking/reasoned :

Yes

No

Whether Reportable :

Yes

No