

IN THE PUNJAB AND HARYANA HIGH COURT AT
CHANDIGARH

112

CWP-682-2024

Date of Decision: 12.01.2024

M/S JAGSON DEVELOPERS

... Petitioner

VERSUS

STATE OF PUNJAB AND OTHERS

... Respondents

CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ.

Present: Mr. Balbir Singh Jaswal, Advocate
for the petitioner.

VINOD S. BHARDWAJ, J. (ORAL)

Prayer made in the present petition is for seeking release of due
payment of the petitioner.

Learned counsel for the petitioner fairly concedes that the earlier
writ petition preferred by the petitioner bearing no.CWP-11209 of 2023 was
disposed of by this Court vide order dated 29.05.2023. Operative part of the
said order is extracted as under:

*“Accordingly, the present petition is disposed of with
consent and without commenting on the merits of the claim, with a
direction to respondent No.3-the Executive Engineer, Construction
Division No.1, PWD B& R Branch, Tarn Taran, office at Amritsar
to examine the grievance espoused by the petitioner in the Legal
Notice dated 12.02.2023 (Annexure P-6) and to pass a reasoned
and speaking order thereupon within a period of 03 months of the
receipt of certified copy of this order after affording an opportunity
of hearing to the respective parties.*

Needless to mention that in the event any amount is found payable, the same shall be released forthwith and preferably within a period of 03 months of such a decision being taken by the respondent-authorities.

The petition is accordingly disposed of.”

Pursuant to the abovesaid order, the respondent-Authority has taken a decision on the claim of the petitioner and they have found that the petitioner is entitled to the money as claimed and referred to therein. However, the same has not been released till date on account of paucity of funds. Aggrieved thereof, the petitioner has filed the present petition.

I am of the considered view that the present petition is not maintainable afresh on the same cause of action which has already been adjudicated and a specific direction has been given vide order dated 29.05.2023 (supra) to the respondents to release the payment in case said payment is found to be payable to the petitioner.

The petitioner may, if so advised, file an appropriate petition for seeking enforcement of his rights.

Disposed of accordingly.

JANUARY 12, 2024
rajender

(VINOD S. BHARDWAJ)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No