

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

112

**CWP No.4702 of 2024
Date of Decision : 29.2.2024**

*Roshan Lal**..... Petitioner**versus**State of Haryana and others**..... Respondents*

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

Present: Mr. Manoj Makkar, Advocate, for the petitioner

TRIBHUVAN DAHIYA J. (ORAL):

This petition has been filed, *inter alia*, seeking a direction to the respondent Department not to relieve/terminate the petitioner's service on the basis of judgment dated 21.2.2017, rendered by this Court in CWP No.18930 of 2014 titled *Subhash Chand v. The Director of Industrial Training Institute and others*, and the order dated 15.2.2024 passed in LPA No. 418 of 2017.

2. Perusal of the judgment, dated 21.2.2017, shows that while setting aside the petitioner's appointment as Workshop Attendant, it was left open for the Selecting/Appointing Authority to consider him for appointment against any available vacancy. Appeal against the judgment, LPA No.418 of 2017, preferred by the petitioner was dismissed as withdrawn granting him liberty to pursue the matter with the Department.

3. Learned counsel for the petitioner contends that after withdrawing the appeal, the petitioner has represented to the Department, vide letter dated 23.2.2024, to allow him to continue working on the post,

but no action has been taken. He has also referred to a Departmental

enquiry conducted in the matter and observations of the enquiry officer in his report dated 15.9.2020, Annexure P-6, that marks obtained by the fourth respondent (petitioner in CWP No.18930 of 2014), were not higher than those of the petitioner herein. On this basis, it has been contended that the petitioner has a right to continue service.

4. The arguments raised by learned counsel for the petitioner are bereft of any rationale and are liable to be rejected on the face of it. After judgment of this Court setting aside the petitioner's appointment, and the appeal against it having been dismissed as withdrawn, he has no basis to assert any right to continue in service, much less by relying upon observations of an enquiry officer which are contrary to the judgment. Despite withdrawing the appeal to pursue his remedy with the Department, the petitioner has chosen to file the instant petition, which is clearly an abuse of process of law.

5. The petition is, accordingly, dismissed with costs of Rs.2,000/- to be deposited by the petitioner in the Post Graduate Institute of Medical Education and Research Poor Patients Welfare Fund, Chandigarh, within two weeks.

(TRIBHUVAN DAHIYA)
JUDGE

29.2.2024
Ashwani

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