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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-7464-2024 (O&M)
Date of decision: 03.04.2024

Ved Parkash

...Petitioner

VERSUS

Uttar Haryana Bijli Vitran Nigam Ltd. and others

...Respondents

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present:- Mr. R.K. Choudhary, Advocate, for the petitioner.

JASGURPREET SINGH PURI, J. (Oral)

1. The present petition has been filed under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of *Certiorari* for quashing the impugned order dated 11.07.2022 (Annexure P-9) with a further prayer for directing the respondents to step up the pay of the petitioner at par with his junior Mr. Attar Singh (Seniority No.362), whereas seniority number of the petitioner is 325-A as correctly determined by the respondents. It was further prayed that a direction be issued to respondent No.2 to decide the appeal (Annexure P-11) filed by the petitioner against the impugned order dated 11.07.2022 (Annexure P-9).

2. Learned counsel appearing on behalf of the petitioner submitted that the petitioner earlier had filed a petition before this Court which was disposed of vide Annexure P-8 on the basis of the submissions made by the counsel for the respondents that on re-consideration an order will be passed by

the respondent-authority within a period of three months. Thereafter, vide Annexure P-9, an order was passed on 11.07.2022 by which the claim of the petitioner was rejected. The petitioner filed another petition before this Court in CWP-23018-2022 and vide Annexure P-10 the petitioner withdrew the petition with liberty to avail appropriate remedy by approaching higher authorities against the impugned order. The aforesaid order (Annexure P-10) is reproduced as under:-

*“After arguing for some time, learned counsel for the petitioner prays that he be allowed to withdraw the present writ petition with liberty to avail appropriate remedy before the respondent-Department by approaching higher authorities against the impugned order.
Ordered accordingly.”*

- 3. Learned counsel for the petitioner submitted that he had filed an appeal vide Annexure P-11, although the same is undated but the same is still pending.
- 4. After hearing the learned counsel for the petitioner, this Court is of the view that once the petitioner himself has challenged the impugned order (Annexure P-9) in an earlier petition and he withdrew the same with liberty to avail appropriate remedy and he filed an appeal which is although stated to be pending, the present petition is not maintainable since the appeal is pending.
- 5. Consequently, the present petition is dismissed.

03.04.2024
rakesh

(JASGURPREET SINGH PURI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No