



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CWP-11831-2024
Decided on :20.05.2024

Anil and others

. . . Petitioners

Versus

State of Haryana and others

. . . Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

PRESENT: Mr. Sandeep Saini, Advocate for
Mr. Manjeet Saini, Advocate
for the petitioners.

VIKAS BAHL, J.(ORAL)

1. Present Civil Writ Petition has been filed under Article 226/227 of the Constitution of India praying for issuance of a writ in the nature of mandamus to direct the respondents to regularize the petitioners w.e.f. 18.06.2024 alongwith all consequential and subsequent benefits.
2. The petitioners had filed earlier writ petition in which this Court had passed the following order:-

“CM-3314-CWP-2024

This is an application praying for early hearing of the writ petition.

For the reasons stated in the application, same is allowed and the main case is preponed from 15.07.2024 to today.

Main Petition

1. *This is a Civil Writ Petition filed under Article 226/227 of the Constitution of India for issuance of a writ in the nature of*



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Mandamus to the respondents to regularize the petitioners w.e.f. 18.06.2014 along with all the consequential benefits.

2. *On 30.11.2022, this Court was pleased to pass the following order:-*

“Learned counsel for the petitioners submits that three of the petitioners namely i.e. Anoop Singh – petitioner No.2, Neelam – petitioner No.4 and Karamvir – petitioner No.6 had earlier filed CWP-19899-2015 – Karamveer and others vs. State of Haryana and others, in which similar reliefs, as sought in the present petition, had been made but that petition has been withdrawn.

The afore fact has not been disclosed in the instant petition. Therefore, learned counsel for the petitioners is directed to file an affidavit of the afore petitioners explaining therein the reasons for such omission. Adjourned to 09.05.2023.

*Sd/-
(DEEPAK SIBAL)
JUDGE”*

3. *Learned counsel for the petitioners seeks to withdraw the present writ petition with liberty to file a petition afresh after complying with the order dated 30.11.2022.*

4. *Prayer is allowed.*

5. *Dismissed as withdrawn with the liberty aforesaid.”*

3. A perusal of the paperbook would show that petitioner No.3- Karamvir alongwith others had filed CWP-19899-2015 which was dismissed for non-prosecution vide order dated 11.12.2015. The said order is reproduced hereinbelow:-

“Karamveer and others

. . . Petitioners

Versus

State of Haryana and others

. . . Respondents



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CORAM: HON'BLE MR. JUSTICE MAHESH GROVER

PRESENT: None.

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MAHESH GROVER, J.

Case has been called out twice. There is no representation on behalf of the petitioners. Even on the previous date of hearing, there was no representation on their behalf.

Dismissed for want of prosecution.

11.12.2015”

4. It is thus clear that even the statement made before the Co-ordinate Bench of this Court to the effect that the petition was withdrawn, is not correct inasmuch as the petition was dismissed for non-prosecution.

5. In the present petition, it has not been mentioned as to who are the petitioners in CWP-19899-2015 and as to how the said persons had chosen to file subsequent writ petitions where the earlier writ petition was dismissed for want of prosecution and apparently, no application for restoration of the said writ petition has been filed.

6. It is also not clear as to whether in the subsequent writ petitions filed, the factum with respect to the earlier writ petitions have been given or not.

7. Learned counsel for the petitioners has submitted that in view of the above, he be permitted to withdraw the present writ petition with liberty to the petitioners, who had not earlier filed the writ petitions, to file



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a fresh petition and further liberty to the petitioners, who had filed earlier writ petitions, to seek remedy in accordance with law.

8. In view of the same, present Civil Writ Petition is dismissed as withdrawn with the aforesaid liberty.

9. It is made clear that in case, any such petition is filed, all the factum with respect to the earlier litigations including the memo of parties in the same and the orders passed in the same would be duly annexed with the petition.

(VIKAS BAHL)
JUDGE

20.05.2024
Mehak

Whether reasoned/speaking?	Yes/ No
Whether reportable?	Yes /No