

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

203

CWP-14313-2023 (O&M)
Date of Decision : 18.01.2024

Manpreet SinghPetitioner

Versus

State of Punjab and othersRespondents

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present : Mr. Sandeep Kumar, Advocate
for the petitioner.

Mr. Arun Gupta, AAG, Punjab.

Mr. Parminder Singh, Advocate
for respondents No.2 and 3.

NAMIT KUMAR, J. (ORAL)

CM-20242-CWP-2023

Prayer in the instant application filed under Section 151 of CPC is for placing on record the reply to the application for vacation of stay and for placing on record replication to the written statement filed on behalf of respondents No.2 and 3.

Allowed as prayed for subject to all just exceptions.

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1. The challenge in the instant writ petition filed under Articles 226/227 of the Constitution of India is to the orders dated 05.05.2023 and 16.05.2023 (Annexures P-12 and P-13) by which the petitioner has been reverted from the post of Assistant Agriculture Engineer to Junior Engineer (Electrical).

2. Perusal of the impugned orders show that the same have been passed in pursuance to judgment dated 14.11.2018 passed by this Court in *CWP No.13498 of 2011 titled as 'Ajaib Singh and another Vs. The Punjab State Power Corporation Ltd. and others'*. The present petitioner was respondent No.59 in the said writ petition and was proceeded ex-parte vide order dated 04.02.2016 as in spite of service, no one appeared on his behalf. The order dated 04.02.2016 whereby he was proceeded ex-parte reads as under :-

“As per office report dated 13.10.2011, which was lying in the tablak, respondents No.1 to 3 & 5 to 89 have been served while notice issued to respondent No.4 has not been received back so far i.e. till the date when the note was put. Though R-4 is not served in the manner provided but he is an official respondent whose written statement has been filed by Mr. Khullar representing R-1 to R-6. It may be noted that respondents No.7 to 89 were served individually and not through the department. Since no one has appeared for respondents No.7 to 89, they are proceeded ex parte.

To come up for final disposal on 2.3.2016.”

3. It is an undisputed fact that the judgment dated 14.11.2018 passed by this Court in CWP No.13498 of 2011 has been challenged by the respondent-PSPCL in LPA No.1970 of 2019 and by the petitioner in LPA No.1130 of 2023.

4. Since the impugned orders have been passed in pursuance to the judgment dated 14.11.2018 passed by this Court in CWP No.13498 of 2011 and LPAs against the said judgment are still pending

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for 28.03.2024, the instant writ petition is not maintainable, as the petitioner in the garb of challenging the orders dated 05.05.2023 and 16.05.2023 (Annexures P-12 and P-13) is challenging the judgment dated 14.11.2018 passed in CWP No.13498 of 2011.

5. It is a well settled proposition of law that that a judgment passed in a writ petition cannot be challenged by filing another writ petition. Reference can be made to the judgment of Division Bench of this Court passed in *P.S. Sawhney Vs. Union of India and others : 2014(30) RCR (Civil) 171*. Even otherwise, the petitioner cannot avail two parallel remedies.

6. In view of the above, the present petition is dismissed.

7. Misc. Application(s) pending, if any, shall also stand disposed of accordingly.

18.01.2024
Kothiyal

(NAMIT KUMAR)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No