



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

105+106+108

Date of decision : 05.07.2024

(i)

CWP-15064-2024

Prem Chand

.....Petitioner

Versus

State of Punjab and others

.....Respondents

(ii)

CWP-14938-2024

Shamsher Singh

.....Petitioner

Versus

State of Punjab and others

.....Respondents

(iii)

CWP-14881-2024

Sukhwant Singh

.....Petitioner

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present : Mr. Ravi Gakhar, Advocate for the petitioner(s).

Mr. Surya Kumar, A.A.G., Punjab.

NAMIT KUMAR, J.

1. This judgment shall dispose of all the above-said writ petitions, as common question of law and facts are involved therein for adjudication. For the sake of convenience, facts are taken from CWP No.15064-2024 titled as 'Prem Chand Vs. State of Punjab and others'.



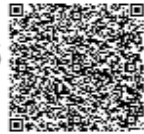
**CWP-15064-2024 and
other connected cases**

2

2. The petitioner has filed the instant writ petition under Articles 226/227 claiming the following reliefs :-

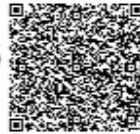
“For issuance of a writ in the nature of mandamus directing the respondents to grant all admissible benefits i.e. refixation of pay scale, increments, dearness allowance, additional dearness allowance, reimbursement of cost of medical treatment, travelling allowance and daily allowance which were granted to the petitioner from the date of appointment upto December 2006 only in terms of letter dated 28.12.2006 (Annexure P-4) issued by respondent No.2 but not granted subsequently from 2007 till the date of termination i.e. 29.11.2011 in accordance with circular dated 15.03.2010 (Annexure P-5) as well as in view of findings of award dated 11.12.2019 (Annexure P-8) passed by Industrial Tribunal, Patiala which is subject matter in LPA No.687 of 2021 vide order dated 16.08.2021 (Annexure P-11) pending before the Hon’ble Division Bench of this Hon’ble as well as on the basis of facts and circumstances enumerated in the present petition.”

3. It is the case of the petitioner that he was appointed as Chowkidar in Punjab Financial Corporation (herein referred as ‘the Corporation’) on 29.12.1987 on adhoc basis and he joined as such on 11.01.1988 and his services were illegally terminated on 29.11.2011. The said termination was impugned by the petitioner by raising an industrial dispute before the Presiding Officer, Industrial Tribunal, Patiala, vide Reference No.19/2018 dated 24.01.2018 (Prem Chand Vs. Punjab Financial Corporation and another) and the said reference was answered in his favour vide award dated 11.12.2019 (Annexure P-8) and respondents were directed to compensate the petitioner with Rs.2,08,000/- along with Rs.5,000/- as litigation expenses (total Rs.2,13,000/-) which was directed to be paid within a period of 45 days of the publication of the award, failing which the petitioner was held

**CWP-15064-2024 and
other connected cases**

entitled for the awarded amount along with interest @ 6% per annum till its realization. Since only compensation was granted to the petitioner instead of reinstatement with back wages, therefore, the petitioner challenged the said award dated 11.12.2019 before this Court by filing CWP No.4362 of 2020 (Prem Chand Vs. Presiding Officer, Industrial Tribunal, Patiala and others) which was partly allowed vide judgment dated 01.03.2021 (Annexure P-9) and the compensation was enhanced and the petitioner was held entitled to compensation of Rs.65,000/- per year subject to maximum cap of Rs.5,00,000/-. The said judgment has been challenged by the petitioner by filing LPA No.687 of 2021 (Prem Chand Vs. Presiding officer, Industrial Tribunal, Patiala and others) which stands admitted and is pending for final adjudication before this Court.

4. It is further the case of the petitioner that while the petitioner was in service, he along with other employees preferred CWP No.3257 of 1997 (Harchand Singh and others Vs. The Punjab Financial Corporation) seeking regularization of their services and vide order dated 06.03.1997, the same was disposed of with a direction to respondent-department to decide the representation within six months, by passing a speaking order. In compliance with the above order, Managing Director of the Corporation had rejected the claim of the petitioners therein, vide order dated 16.07.1997 (Annexure P-1). Thereafter, the petitioner along with other employees filed CWP No.19444 of 1998 (Bakhtaru Singh and others Vs. The Punjab Financial Corporation) claiming regularization from the date of appointment with

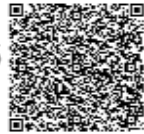
**CWP-15064-2024 and
other connected cases****4**

all consequential benefits and for grant of benefit of equal pay for equal work, wherein the present petitioner was petitioner No.3. The said writ petition was dismissed vide order dated 18.04.2001 in view of the judgment rendered in CWP No.6571 of 2000 (Bakhshish Singh and others Vs. The Punjab Financial Corporation and others) which was decided on 18.04.2001. Thereafter, LPA No.1946 of 2001 (Prem Chand and others Vs. Punjab Financial Corporation and others) was filed by the present petitioner along with other employees which was also dismissed by the Division Bench of this Court vide judgment dated 30.11.2006 and subsequently, the petitioner preferred Civil Appeal No.9899 of 2011 (Special Leave Petition(c) No.20993 of 2006) (Prem Chand and others Vs. Punjab Financial Corporation and others) before the Hon'ble Supreme Court which too was dismissed vide order dated 16.08.2017 (Annexure P-7).

5. The grievance raised in the present petition is as under :-

“The petitioner has not been granted all admissible benefits i.e. refixation of pay scale, increments, dearness allowance, additional dearness allowance, reimbursement of cost of medical treatment, travelling allowance and daily allowance to the petitioner in accordance with circular dated 15.03.2010 (Annexure P-5) issued by respondent No.2 from the year 2007 till 29.11.201 by the Punjab Financial Corporation.”

6. Learned counsel for the petitioner, inter alia, submits that while the petitioner was in service upto 29.11.2011, certain benefits, as stated hereinabove, have not been released to the petitioner such as refixation of pay scale, increments, dearness allowance, additional dearness allowance, reimbursement of cost of medical treatment,



**CWP-15064-2024 and
other connected cases**

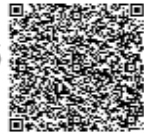
travelling allowance and daily allowance to the petitioner in accordance with circular dated 15.03.2010 (Annexure P-5) issued by respondent No.2 from the year 2007 till the date of termination i.e. 29.11.2011.

7. I have heard learned counsel for the petitioner and perused the record.

8. Before proceeding further in the matter, it is apposite to say that the claim of the petitioner seeking regularization and equal pay for equal work has been rejected upto Hon'ble Supreme Court and with respect to challenge laid to the termination order dated 29.11.2011, only compensation has been granted by the Industrial Tribunal, Patiala which has been upheld by this Court in Civil Writ Petition No.4362 of 2020 filed by the petitioner, except that the compensation has been enhanced. However, LPA preferred by the petitioner along with other co-employees against the said judgment is pending adjudication before a Division Bench of this Court, after admission.

9. The present writ petition is liable to be dismissed on two counts i.e. constructive res judicata and delay and laches. The claim as raised in the present petition is totally vague as the present petition is bereft of proper pleadings as nothing has been stated in the petition as to how the petitioner is entitled for the abovesaid benefits particularly when the services of the petitioner stands terminated w.e.f. 29.11.2011 and the present petition has been filed by the petitioner after about lapse of 13 years of his termination.

10. In a recent judgment passed by the Division Bench of this Court in ***Ram Kumar Vs. State of Haryana and others*** : 2022 (3) SCT



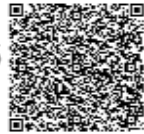
**CWP-15064-2024 and
other connected cases**

6

346, while rejecting the claim of the petitioner for counting of his ad hoc service, for the purpose of seniority/pension and regularization in service on completion of 02 years as per policy, held that the petition filed by him suffered from gross, inordinate and unexplained delay in approaching the High Court. In the said judgment, it has been held as under:-

*“10. What we wish to emphasize, in particular, is that services of the appellant were regularized w.e.f. 01.04.1997. And, he was assigned a specific seniority position in the cadre. Whereafter, he continued to serve the department for nearly twenty five years, before attaining the age of superannuation in January, 2022. Needless to assert that during all these years, he availed all admissible benefits, promotions, and retired as Inspector. Thus, it rather appears that institution of the petition by the appellant was speculative and an attempt to resurrect a stale and dead claim. The Supreme Court, in **New Delhi Municipal Council v. Pan Singh & Ors., 2007(9) SCC 278**, observed:*

*“15. There is another aspect of the matter which cannot be lost sight of. Respondents herein filed a Writ Petition after 17 years. They did not agitate their grievances for a long time. They, as noticed herein, did not claim parity with the 17 workmen at the earliest possible opportunity. They did not implead themselves as parties even in the reference made by the State before the Industrial Tribunal. It is not their case that after 1982, those employees who were employed or who were recruited after the cut-off date have been granted the said scale of pay. After such a long time, therefore, the Writ Petitions could not have been entertained even if they are similarly situated. It is trite that the discretionary jurisdiction may not be exercised in favour of those who approach the Court after a long time. Delay and laches are relevant factors for exercise of equitable jurisdiction. See **Govt. of W.B. v. Tarun K. Roy And Others [(2004) 1 SCC 347]**, **Chairman, U.P. Jal Nigam & Anr. v. Jaswant Singh And Anr. [2006 (12) SCALE 347]** and **Karnataka Power Corpn. Ltd. through its Chairman & Managing Director and Another v. K. Thangappan and Another [(2006) 4 SCC 322]**”*



**CWP-15064-2024 and
other connected cases**

11. Similarly, in **Jagdish Lal & Ors. v. State of Haryana & Ors., (1997) 6 SCC 538**, it was held by the Supreme Court:

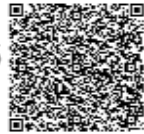
“That apart, as this Court has repeatedly held, the delay disentitles the party to the discretionary relief under Article 226 or 32 of the Constitution. It is not necessary to reiterate all catena of precedents in this behalf. Suffice it to state that the appellants kept sleeping over their rights for long and elected to wake up when they had the impetus from Vir Pal Chauhan and Ajit Singh’s ratios..... Therefore, desperate attempts of the appellants to re-do the seniority had by them in various cadres/grades though in the same services according to 1974 Rules or 1980 Rule, are not amenable to judicial review at this belated stage....”

12. *In the wake of the position as sketched out above, we are dissuaded to interfere with the impugned order and judgment rendered by the learned single Judge. The appeal being bereft of merit is, accordingly, dismissed.”*

11. The Co-ordinate Bench of this Court in **Prem Nath and others Vs State of Punjab and others : 2018(2) SCT 687**, while rejecting the claim of additional increments of acquisition of higher qualifications has held as under:-

*“3. It is the case set up on behalf of the petitioners that they had all been appointed before 19.02.1979 and had even improved/acquired higher qualifications before 19.02.1979 and as such there would be no difference between the employees working with the Punjab Government, holding corresponding post and the employees like the petitioners who have worked for Punjab Privately Managed Recognised Aided Schools. It is also the assertion made by counsel representing the petitioners that their claim would be covered in terms of decision dated 02.07.2013 rendered by this Court in a bunch of writ petitions including **CWP No.8083 of 1989 titled as Radha Krishan Narang and others vs. State of Punjab and others.***

4. Having heard counsel for the petitioners at length, this Court is of the considered view that the claim of the

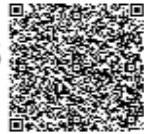


petitioners would not require any consideration on merits and the writ petition deserves to be dismissed on the sole ground of delay and laches.

5. *Placed on record and appended at Annexure P-1 are the particulars of the petitioners. The tabulation at Annexure P-1 would show that all the petitioners stand retired on various dates between the years 1995 to 2012. Out of 32 petitioners in all, 22 petitioners superannuated more than 10 years back.*

6. *There is no justification coming forth as regards the inordinate delay in having approached the Writ Court. There is also no explanation put forth by the petitioners as to why the claim raised in the instant petition was not agitated by the petitioners while they were in service. The entire thrust of the submissions advanced by counsel is that similarly situated employees had approached this Court and have been granted relief.*

7. *The issue regarding delay in invoking the extraordinary writ jurisdiction under Article 226 of the Constitution of India was considered by the Hon'ble Supreme Court in **Chairman, U.P. Jal Nigam and another v. Jaswant Singh and another (2006)11 SCC 464**. In such case, certain employees raised the issue that they were not liable to be retired at the age of 58 years but should be permitted to continue in service till they attain the age of 60 years. Such employees were still in service when the writ petitions were filed. The writ petitions were ultimately allowed. Placing reliance upon such judgment, some of the employees, who had already superannuated, filed writ petitions seeking the same benefit. Even such petitions were allowed by the High Court in terms of following the earlier judgment. The judgment of the High Court was challenged before the Apex Court and wherein while referring to earlier judgments in **Rup Diamonds v. Union of India, (1989)2 SCC 356**; **"Jagdish Lal v. State of Haryana, (1997)6 SCC 538 and Government of West Bengal v. Tarun K. Roy, (2004)1 SCC 347**, it was opined that persons who approached the Court at a belated stage placing reliance upon the order passed in some other case earlier, can be denied the discretionary relief on the ground of delay and laches. The relevant observations made by the Supreme Court are contained in Paras 5, 6 and 16 of the judgment and are extracted here under:-*

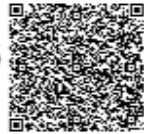


*“5. So far as the principal issue is concerned, that has been settled by this court. Therefore, there is no quarrel over the legal proposition. But the only question is grant of relief to such other persons who were not vigilant and did not wake up to challenge their reitirement and accepted the same but filed writ petitions after the judgment of this court in **Harwindra Kumar v. Chief Engineer, Karmik, (2005) 13 SCC 300**. Whether they are entitled to same relief or not? Therefore, a serious question that arises for consideration is whether the employees who did not wake up to challenge their retirement and accepted the same, collected their post-retirement benefits, can such persons be given the relief in the light of the subsequent decision delivered by this court?*

6. The question of delay and laches has been examined by this court in a series of decisions and laches and delay has been considered to be an important factor in exercise of the discretionary relief under Article 226 of the Constitution. When a person who is not vigilant of his rights and acquiesces with the situation, can his writ petition be heard after a couple of years on the ground that same relief should be granted to him as was granted to person similarly situated who was vigilant about his rights and challenged his retirement which was said to be made on attaining the age of 58 years. A chart has been supplied to us in which it has been pointed out that about 9 writ petitions were filed by the employees of the Nigam before their reitirement wherein their retirement was somewhere between 30.6.2005 and 31.7.2005. Two writ petitions were filed wherein no relief of interim order was passed. They were granted interim order. Thereafter a spate of writ petitions followed in which employees who retired in the years 2001, 2002, 2003, 2004 and 2005, woke up to file writ petitions in 2005 and 2006 much after their retirement. Whether such persons should be granted the same relief or not?

xx xx xx

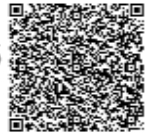
16. Therefore, in case at this belated stage if similar relief is to be given to the persons who have



not approached the court that will unnecessarily overburden the Nigam and the Nigam will completely collapse with the liability of payment to these persons in terms of two years' salary and increased benefit of pension and other consequential benefits. Therefore, we are not inclined to grant any relief to the persons who have approached the court after their retirement. Only those persons who have filed the writ petitions when they were in service or who have obtained interim order for their retirement, those persons should be allowed to stand to benefit and not others.” [Emphasis supplied]

8. The issue of delay was also dealt with by this Court in **Tarsem Pal vs. Punjab State Power Corporation Limited and others, 2013 (3)SLR 314**. In the case of Tarsem Pal(supra), the petitioner was serving as a Clerk with the respondent-Corporation and had retired on 31.03.2005. Claim in the writ petition was to grant to him the benefit of proficiency set up in the pay scale on completion of 23 years of service from the due date as per policy of the Corporation. During the service career, he had not agitated the claim for increments. For the first time, such claim had been made on 28.02.2005 i.e. just one month prior to superannuation. While non-suiting the petitioner on account of delay and laches it was held as follows:-

“11. In the aforesaid judgments, it has been clearly laid down that discretionary relief in a writ jurisdiction is available to a party who is alive of his rights and enforces the same in court within reasonable time. The judgment in another case does not give a cause of action to file a writ petition at a belated stage seeking the same relief. Such petitions can be dismissed on account of delay and laches. As has already been noticed above in the present case as well, the petitioner joined service in the year 1965 and retired in the year 2005, but raised the issue regarding benefit of proficiency step up in the pay scale on completion of 23 years of service from the due date more than five years after his retirement referring to a judgment of this court and filed the petition claiming the same relief.

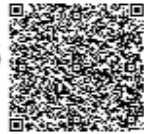


12. *The petitioner retired from service on 31.3.2005 and the claim pertaining to the benefit of proficiency step up, which may be admissible to the petitioner during his service career, was sought to be raised more than five years after his retirement, the claim made at such a late stage deserves to be dismissed on account of delay and laches only. The petitioner could raise a grievance about the pay scales admissible to him or the last pay drawn by him within a reasonable time after his retirement. He cannot be permitted to raise the same at any time on the plea that the same is recurring cause of action.*

13. *Considering the enunciation of law, as referred to above, in my opinion, the petitioner herein is not entitled to the relief prayed for and the petition deserves to be dismissed merely on account of delay and laches.”*

9. *At this stage, counsel appearing for the petitioners would make an attempt to overcome the obstacle of delay by placing reliance upon a Full Bench Judgment of this Court in **Saroj Kumar vs. State of Punjab, 1998(3) SCT 664**. Counsel would argue that as per dictum laid down in Saroj Kumar's case(supra), matters of pay fixation involve a recurring cause of action and as such, writ petitions for such claim cannot be dismissed on the ground of delay and laches and the Court at the most, may restrict the arrears upto 38 months from the date of filing of the petition and disallow the arrears for the period for which even a suit had become time barred.*

10. *The reliance placed by counsel upon the judgment in Saroj Kumar's case, is wholly misplaced. The observations and aspect of delay in Saroj Kumar's case, were in the light of the judgment of the Supreme Court in **M.R. Gupta vs. Union of India and others, 1995(4) RSJ 502**. In M.R. Gupta's case(supra), it had been categorically held that so long as an employee “is in service” a fresh cause of action arises every month when he is getting his monthly salary on the basis of a wrong calculation made contrary to rules. It was further held that the claim to be awarded the correct salary on the basis of a proper pay fixation “is a right which subsists during the entire tenure of service”.*

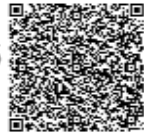


11. In the present case, however the petitioners choose not to agitate their claim while in service. It is much subsequent to their superannuation that they have woken up and seek to gain impetus from certain decisions that may have been rendered in the case of similarly situated employees.

12. Considering the dictum of law as laid down in Chariman, U.P. Jal Nigam's case (supra), the petitioners herein are not entitled to any releif as prayed for and the petition deserves to be dismissed on the sole ground of delay and laches.

13. Ordered accordingly.”

12. The Hon'ble Supreme Court in ***State of Uttaranchal and another Vs. Sri Shiv Charan Singh Bhandari and others*** : 2013(6) SLR 629, while considering the issue regarding delay and laches and referring to earlier judgments on the issue, opined that repeated representations made will not keep the issues alive. A stale or a dead issue/dispute cannot be got revived even if such a representation has either been decided by the authority or got decided by getting a direction from the court as the issue regarding delay and laches is to be decided with reference to original cause of action and not with reference to any such order passed. Delay and laches on the part of a government servant may deprive him of the benefit which had been given to others. Article 14 of the Constitution of India, in a situation of that nature, will not be attracted as it is well known that law leans in favour of those who are alert and vigilant. Even equality has to be claimed at the right juncture and not on expiry of reasonable time. Even if there is no period prescribed for filing the writ petition under Article 226 of the Constitution of India, yet it should be filed within a reasonable time. An order permitting a junior should normally be challenged within a period



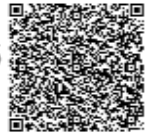
**CWP-15064-2024 and
other connected cases**

13

of six months or at the most in a year of such promotion. Though it is not a strict rule, the courts can always interfere even subsequent thereto, but relief to a person, who allows things to happen and then approach the court and puts forward a stale claim and try to unsettle settled matters, can certainly be refused on account of delay and laches. Any one who sleeps over his rights is bound to suffer. An employee who sleeps like Rip Van Winkle and got up from slumber at his own leisure, deserves to be denied the relief on account of delay and laches. Relevant paragraphs from the aforesaid judgment are extracted below:

*“13. We have no trace of doubt that the respondents could have challenged the ad hoc promotion conferred on the junior employee at the relevant time. They chose not to do so for six years and the junior employee held the promotional post for six years till regular promotion took place. The submission of the learned counsel for the respondents is that they had given representations at the relevant time but the same fell in deaf ears. It is interesting to note that when the regular selection took place, they accepted the position solely because the seniority was maintained and, thereafter, they knocked at the doors of the tribunal only in 2003. It is clear as noon day that the cause of action had arisen for assailing the order when the junior employee was promoted on ad hoc basis on 15.11.1983. In **C. Jacob v. Director of Geology and Mining and another, (2008) 10 SCC 115**, a two-Judge Bench was dealing with the concept of representations and the directions issued by the court or tribunal to consider the representations and the challenge to the said rejection thereafter. In that context, the court has expressed thus:-*

“Every representation to the Government for relief, may not be replied on merits. Representations relating to matters which have become stale or barred by limitation, can be rejected on that ground alone, without examining the merits of the claim. In regard to representations unrelated to the Department, the reply may be only to inform that the matter did not concern the Department or to inform



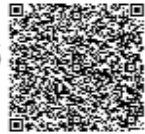
the appropriate Department. Representations with incomplete particulars may be replied by seeking relevant particulars. The replies to such representations, cannot furnish a fresh cause of action or revive a stale or dead claim.”

13. In ***Bharat Sanchar Nigam Limited Vs. Ghanshyam Dass (2) and others : (2011) 4 SCC 374***, a three-Judge Bench of the Hon’ble Supreme Court reiterated the principle stated in ***Jagdish Lal Vs. State of Haryana : (1997) 6 SCC 538*** and proceeded to observe that as the respondents therein preferred to sleep over their rights and approached the tribunal in 1997, they would not get the benefit of the order dated 7.7.1992.

14. In ***New Delhi Municipal Council Vs. Pan Singh and others : (2007) 9 SCC 278***, the Court has opined that though there is no period of limitation provided for filing a writ petition under Article 226 of the Constitution of India, yet ordinarily a writ petition should be filed within a reasonable time. In the said case the respondents had filed the writ petition after seventeen years and the court, as stated earlier, took note of the delay and laches as relevant factors and set aside the order passed by the High Court which had exercised the discretionary jurisdiction.

15. In ***Union of India & Anr Vs. Manpreet Singh Poonam Etc. : 2022(4) SCT 550***, the Hon’ble Supreme Court, has held as under:-

“16. It is trite law that once an officer retires voluntarily, there is cessation of jural relationship resorting to a "golden handshake" between the employer and employee. Such a former employee cannot seek to agitate his past, as well as future rights, if any, sans the



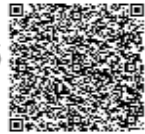
prescription of rules. This would include the enhanced pay scale. The Respondent in Civil Appeal No.517 of 2017 was rightly not considered in the DPC in 2012 since he was no longer in service at the relevant point of time. The High Court has committed an error in relying upon a circular, which has got no application at all, particularly in the light of our finding that we are dealing with a case of promotion simpliciter as against upgradation of any nature.”

16. To the same effect is the judgment of this Court in ***Suraj Mal Vs. The State of Haryana and others : 2015(1) SCT 31***, wherein the petitioner was claiming the benefit of ACP scale, after completion of 10 years of regular service, revised pension and other retiral benefits, after nearly 05 years, after his retirement and the said claims were rejected on the ground of delay and latches.

17. The Hon'ble Supreme Court in the Judgment dated 02.02.2011 passed in Civil Appeal No.1215 of 2011 (arising out of Special Leave Petition (C) No.26391/10 in case titled as '***M. Nagabhushana versus State of Karnataka and others' 2011 AIR (Supreme Court) 1113*** has explained the doctrine/principles of res judicata qua its applicability to the writ petitions and after considering the various judgments, has held that “the principles of constructive res judicata, as explained in explanation IV to Section 11 of the Civil Procedure Code, are also applicable to the writ petitions”. The relevant paras of the said judgment explaining the doctrine/principles of res judicata, read as under:-

“xx xx xx xx xx

14. The principles of Res Judicata are of universal application as it is based on two age old principles, namely, 'interest reipublicae ut sit finis litium' which means that it is in the interest of the State that there should be an



end to litigation and the other principle is 'nemo debet his ve ari, si constet curiae quod sit pro un aet eademn cause' meaning thereby that no one ought to be vexed twice in a litigation if it appears to the Court that it is for one and the same cause. This doctrine of Res Judicata is common to all civilized system of jurisprudence to the extent that a judgment after a proper trial by a Court of competent jurisdiction should be regarded as final and conclusive determination of the questions litigated and should for ever set the controversy at rest.

15. That principle of finality of litigation is based on high principle of public policy. In the absence of such a principle great oppression might result under the colour and pretence of law in as much as there will be no end of litigation and a rich and malicious litigant will succeed in infinitely vexing his opponent by repetitive suits and actions. This may compel the weaker party to relinquish his right. The doctrine of Res Judicata has been evolved to prevent such an anarchy. That is why it is perceived that the plea of Res Judicata is not a technical doctrine but a fundamental principle which sustains the Rule of Law in ensuring finality in litigation. This principle seeks to promote honesty and a fair administration of justice and to prevent abuse in the matter of accessing Court for agitating on issues which have become final between the parties.

xx xx xx xx xx

30. In the premises aforesaid, it is clear that the attempt by the appellant to re-agitate the same issues which were considered by this Court and were rejected expressly in the previous judgment in All India Manufacturers Organisation (supra), is a clear instance of an abuse of process of this Court apart from the fact that such issues are barred by principles of Res Judicata or Constructive Res Judicata and principles analogous thereto.

xx xx xx xx xx”

18. The relief which is being claimed in the present petition was available to the petitioner when he impugned the termination order dated 29.11.2011 passed by the respondents-department before the Labour Court, however, the said relief was never claimed by him in the



**CWP-15064-2024 and
other connected cases**

earlier proceedings at any level, therefore, the same cannot be adjudicated upon in the present proceedings as the present writ petition suffers from the vice of constructive res judicata. Further, the present petition has been filed after a lapse of about 13 years from the date of termination, therefore, the same deserves to be dismissed on account of delay and laches.

19. In view of the above, the present petitions, being devoid of merit, are hereby dismissed.

05.07.2024
Kothiyal

**(NAMIT KUMAR)
JUDGE**

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