



CWP-22102-2020

-1-

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(212)

CWP-22102-2020

Date of decision: - 10.05.2024

Irinder Singh Walia

....Petitioner

Versus

State of Punjab and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. Amarjit Singh Bedi, Advocate, for the petitioner.

Ms. Neha Sonawane, DAG, Punjab.

VIKAS BAHL, J. (ORAL)

1. Present writ petition has been filed under Article 226 of the Constitution of India for the issuance of writ in the nature of mandamus directing the respondents to release regular pension, commutation of pension, DCRG (Gratuity) and leave encashment in view of the Rule 2.2 (c) read with explanation to Rule 2.2(b) of the Punjab Civil Rules Volume-II and instructions of Department of Personnel and Administrative reforms dated 04.08.1982 (Annexure P-5) and Punjab State Vigilance Instructions dated 06.03.2000 (Annexure P-6) and in view of the judgment of Division Bench of this Court in the case of “**Subhash Chand Singla Vs. The Punjab State Cooperative Supply and Marketing Federation Ltd. and another, reported as RSJ 2007(4) 776.**”

2. Learned counsel for the petitioner has submitted that the case of the petitioner is covered by the judgment of Division Bench of this



CWP-22102-2020

-2-

Court in *Subhash Chand Singla's case (supra)* as well as by the judgment of this Court in “*Gobind Ram Verma Vs. State of Punjab and others, passed in CWP-19954-2018, decided on 12.03.2024* and has thus, prayed that the present writ petition be allowed in the same terms.

3. Learned State counsel, however, has pointed out that the petitioner had earlier filed a petition on the same cause of action i.e. CWP-28050-2019, decided on 27.09.2019, wherein, learned counsel for the petitioner after arguing for some time had withdrawn the said writ petition with liberty to the petitioner to agitate his claim before the respondents and thus, the second writ petition on the same cause of action is barred by the provisions of Order 23, Rule 1, sub-rule (4) of the CPC and the said principle is also applicable to writ proceeding.

4. Learned counsel for the petitioner has submitted that in view of the above, the petitioner be permitted to withdraw the present writ petition with liberty to move an appropriate application in the earlier writ petition, if so advised.

5. Dismissed as withdrawn, with the aforesaid liberty.

6. It is made clear that this Court has not opined on the maintainability or otherwise of the said application and the same if filed, would be considered independently, in accordance with law.

May 10, 2024
naresh.k

(VIKAS BAHL)
JUDGE

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