

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

(102)

Neutral Citation No. 2024:PHHC:061898 -DB
LPA-1700-2023 (O&M)
Decided on : 06.05.2024

Inder Mohan Singh

.....Appellant(s)

Versus

The New India Assurance Company and others

.....Respondent(s)

**CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA,
ACTING CHIEF JUSTICE
HON'BLE MR.JUSTICE VIKAS BAHL**

Present: Mr. Amit Kashyap, Advocate for the appellant (s).

G.S. Sandhawalia, Acting Chief Justice (Oral)

CM-4308 & 4309-LPA-2023

Applications for condonation of delay of 5 days in re-filing and 82 days in filing the appeal, are allowed, in view of the averments made in the applications, duly supported by affidavit of the appellant. Delay of 5 days in re-filing and 82 in filing the appeal is condoned.

CMs stand disposed of.

LPA-1700-2023

Consideration in the present letters patent appeal is sought of the judgment of the learned Single Judge dated 26.04.2023 passed in CWP-1730-2023 filed by the appellant. The learned Single Judge while dealing with the writ petition, whereby the claim was to treat the writ petitioner's service for release of all consequential benefits has recorded a finding that it could not be disputed by the counsel that the writ petitioner's services were terminated on 26.03.1999 and he had challenged the same by filing a civil suit which was dismissed on 15.10.2003 (Annexure P-8). It was noticed that the Appellate Authority had also dismissed the statutory appeal on 18.11.2003. Another suit had also met with the same fate on 31.10.2008 (Annexure P-9) and, therefore,

while applying the *principle of res judicata* the writ petition was dismissed. It was also noticed that against the said judgments appeals have been preferred and matter had gone upto the Apex Court and, therefore, issue of termination of services had attained finality.

2. We have perused the paper-book. A perusal of the pleadings in the first civil suit would go on to show that it was the appellant/plaintiff's own case that he was dismissed from service vide order dated 26.03.1999. The second suit also talks about the order dated 26.03.1999, whereby the plaintiff had been removed from service, which suit also met with the same fate of dismissal. **RSA-3765-2011** filed by the respondent-company was allowed, whereas **RSA-4554-2011** filed by the appellant was dismissed by a common order on 06.10.2015 (Annexure P-10). The matter was taken to the Apex Court whereby **SLP-(C)-2666-2016** was dismissed on 05.02.2016 and even the **Review Petition-(-C)1938-2016** was dismissed on 19.04.2016 (Annexure P-11). The audacity as such to file a writ petition once the litigation had culminated upto the Apex Court and to plead that he was still in service is beyond imagination.

3. Resultantly, we are of the considered opinion that the learned Single Judge did not err in any manner in dismissing the writ petition. The finality of litigation can never come to an end, if such kind of litigation is permitted, rather we are surprised that the learned Single Judge was very benevolent not to impose exemplary costs. Resultantly, we also dismiss the appeal at the initial stage in *limine* and do not impose any costs. All pending civil miscellaneous applications including **CM-4310-LPA-2023** filed for placing on record additional documents are disposed of.

(G.S. SANDHAWALIA)
ACTING CHIEF JUSTICE

(VIKAS BAHL)
JUDGE

06.05.2024
Naveen

Whether speaking/reasoned : Yes
Whether Reportable : No