

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

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CWP-29033-2023

Date of Decision :18.04.2024

Manpreet Kaur**...Petitioner****Versus****State of Punjab and others****...Respondents****CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI**

Present: Mr. Mohit Garg, Advocate for the petitioner.

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Harsimran Singh Sethi, J. (Oral)

1. In the present petition, grievance of the petitioner is that petitioner is entitled for back wages starting from year 2015 till 14.09.2018 when petitioner remained out of service.

2. It may be noticed that services of the petitioner were terminated by the respondents, which action of the respondents was challenged by the petitioner by way of filing CWP-19780-2015. During the pendency of the said writ petition, petitioner was reinstated in service by the respondents and the said petition was disposed of having been rendered infructuous. After the said proceedings came to an end, petitioner has filed the present petition seeking grant of back wages for the period she remained out of service.

3. I have heard learned counsel for the petitioner and have gone

through the record with his able assistance.

4. Once, the petitioner agitated her termination order before the competent Court of law by filing CWP-19780-2015 and she was reinstated in service during the pendency of the said petition and in case, any grievance of the petitioner persisted at that relevant time, she should have sought permission or should not have got the said writ petition disposed of having been rendered infructuous. Once, the petitioner accepted her reinstatement in service and got the said writ petition disposed of having being rendered infructuous, it means that petitioner was satisfied with the relief granted hence, the petitioner cannot be permitted to file fresh writ petition claiming back wages for the period she remained out of service. Acceptance of the releif granted to the petitioner in the earlier writ petition and the said writ petition was disposed of as infructuous means that all her grievances stood redressed hence, no grievance can be raised now by filing fresh writ petition.

5. Learned counsel for the petitioner submits that in the earlier writ petition, the petitioner had only claimed quashing of her termination order and had not claimed arrears for the period she remained out of service.

6. It may be noticed that the petitioner should have raised the said plea while challenging the termination order which is only a consequential relief.

7. Once, the petitioner chose not to raise said grievance at that relevant time, no fresh writ petition can be filed on the said ground especially, when earlier writ petition was disposed of having been rendered infructuous and the said order was accepted by the petitioner.

8. Keeping in view the above, no ground of interference by this Court is made out and the writ petition is accordingly dismissed.

April 18, 2024
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No