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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CWP-874-2024 (O&M)
Date of Decision: 15.01.2024

Soraj and others Petitioners
Versus

State of Haryana and others Respondents

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Satish K. Birla, Advocate,
for the petitioners.

JASGURPREET SINGH PURI, J. (ORAL)

1. The present writ petition has been filed under Article 226/227 of the Constitution of India for issuance of a writ in the nature of mandamus for directing the respondents to take petitioners on payroll of Municipal Corporation, Faridabad and re-instate their services as Sewer man in Municipal Corporation, Faridabad in the interest of justice.
2. Learned counsel for the petitioners submitted that this is the second petition filed by the petitioners and the reason as to why the second writ petition has been filed is that when the earlier writ petition was filed seeking the same prayer, one Notification dated 06.09.2019 vide Annexure P-1, was not brought to the knowledge of the Court and that is why the earlier writ petition was dismissed by a Co-ordinate Bench of this Court. He further submitted that after the decision of the earlier writ petition vide Annexure P-5, the petitioners have come to know that there is one Notification passed by the Chief Secretary, Government of Haryana,

Department of Urban Local Bodies, which is beneficial to the petitioners.

3. I have heard the learned counsel for the petitioners.

4. The present is a second successive writ petition filed by the same petitioners pertaining to the same cause of action and the same relief claimed. Today, during the course of arguments, a specific query was raised to the learned counsel for the petitioners as to whether the prayer made in the earlier writ petition and the prayer made in the present writ petition is same or not to which he categorically replied that the prayer in both the writ petitions i.e. the earlier writ petition which was dismissed vide Annexure P-5 and the present writ petition are identical and same.

5. The reason as to why the petitioners have filed the present writ petition on the same prayer for which the earlier writ petition was dismissed is that one Notification was not in the knowledge of the petitioners at that point of time. Such kind of approach of the petitioners in filing a successive writ petition is absolutely deprecated and the same is not maintainable on the same cause of action and on the same prayer claimed. Once the prayer and the cause of action in both the writ petitions are same then it is not understandable as to why and how the second writ petition on the same cause of action and on the same prayer can be claimed. The remedy of the petitioners could have been to file any appropriate application in the earlier writ petition if so advised or so desired but such kind of second writ petition is totally not maintainable and it is a wastage of the time of the Court. Consequently, the present petition is dismissed with Rs.26,000/- as costs. There are 26 petitioners in the present case so the costs shall be proportionately divided in all the petitioners i.e. Rs.1,000/- per petitioner

and the same shall be deposited by all the petitioners in the Court of Chief Judicial Magistrate, Faridabad within a period of three months from today.

6. After the same is deposited in the Court of the Chief Judicial Magistrate, Faridabad, he shall remit the same to the District Legal Services Authority, Faridabad, Haryana. In case, the aforesaid cost amount is not deposited within a period of three months from today then the same shall be recovered from the petitioners as arrears of land revenue.

7. Put up this case for compliance purposes after three months.

15.01.2024

Bhumika

(JASGURPREET SINGH PURI)
JUDGE

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| 1. Whether speaking/reasoned: | Yes/No |
| 2. Whether reportable: | Yes/No |