



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

107

CWP-11586-2025 (O&M)
Date of decision: 20.05.2025

Sanjay Kumar

...Petitioner

VERSUS

Canara Bank and others

...Respondents

CORAM : HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present :- Mr. Manoj Makkar, Advocate for the petitioner(s).

Ms. Rahish Pahwa, Advocate for the respondent(s)-Bank.

VINOD S. BHARDWAJ, J. (Oral)

1. Challenge in the present petition is to the letter dated 28.09.2017 issued by respondent No.2 whereby the claim of the petitioner for compassionate appointment after demise of his father on 22.11.2015 has been rejected on the ground that the financial conditions of the family were reasonable and the family was not in penury.

2. The petitioner is stated to have filed a civil suit in the year 2018 before the Civil Court at Karnal. The copy of the plaint has not been appended by the learned counsel for the petitioner with the instant writ petition to demonstrate as to what was the nature of the civil suit that was so instituted. Be that as it may, he has appended a copy of the order dated 27.02.2025 passed in the aforesaid Civil Suit No.3377 of 2018 titled 'Sanjay Kumar Vs. Canara Bank etc.' which shows that the case was then fixed for rebuttal evidence, if any, otherwise for arguments on that day. The said order does not reflect that any rebuttal evidence was to be examined by the



petitioner. A fresh power of attorney was filed on behalf of the petitioner (plaintiff therein) and the aforesaid civil suit was withdrawn with liberty to file fresh Civil Suit. Liberty was however granted subject to law of limitation and other Rules prescribed in this regard in accordance with law.

3. Learned counsel appearing on behalf of the petitioner contends that the said civil suit has been withdrawn on account of delay that had taken place in adjudication thereof, however, I find that the aforesaid contention is misconceived since the said civil suit was already fixed for arguments before the Civil Judge (Jr. Divn.), Karnal. It seems to be more plausible that anticipating the suit being dismissed, the petitioner-plaintiff withdrew the same with liberty to file a fresh suit before the Civil Court. The withholding of the information including the copy of the plaint reflects the intent of the petitioner. It seems to be a case of Forum shopping and not expecting a desired relief from the Civil Court, the same was withdrawn to approach this Court at this belated stage i.e. after nearly 08 years of order of rejection of the claim for compassionate appointment.

4. For the aforesaid reason, I do not find any reasons to entertain the instant writ petition.

5. The instant writ petition is accordingly dismissed.

(VINOD S. BHARDWAJ)
JUDGE

20.05.2025

Mangal Singh

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