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

**CWP-12989-2025 (O&M)
Date of decision: 13.08.2025**

Ranjeet Singh Sidhu and others

... Petitioners

Vs.

**The Managing Director, Punjab Agri Export Corporation Ltd.
and others**

... Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Ram Lal Gupta, Advocate
for the petitioners.

Mr. Vikas Arora, DAG, Punjab.

HARPREET SINGH BRAR, J. (ORAL)

1. Present civil writ petition has been filed under Article 226 of the Constitution of India seeking issuance of a writ in the nature of *mandamus/certiorari* for setting aside the orders dated 12.01.2018 (Annexure P-11) and 10.04.2024 (Annexure P-19), vide which selection grade, HRA, employer's share in Contributory Provident Fund, medical reimbursement/allowance along with interest @15% per annum, interest on



the gratuity and leave encashment etc. @15% per annum from the date they fell ill, till the date of payment, were denied.

2. Learned counsel for the petitioners, *inter alia*, contends that the petitioners approached this Court by way of filing a petition i.e. **CWP-12097-1999**, which was decided on 14.09.2007 (Annexure P-7) and in the said petition, they raised three grievances. Due to non-compliance of the order (Annexure P-7), the petitioners filed **COC-1429-2008**, which was disposed of vide order dated 07.11.2019 (Annexure P-12), granting liberty to them to avail the remedies, in accordance with law, for redressal of second and third grievances raised in the aforesaid writ petition. Further, the petitioners sought revival of the aforesaid contempt petition by filing **CM-4775-CII-2020**, which was dismissed as withdrawn on 12.03.2020 and liberty was granted to raise the plea regarding their entitlement of interest on outstanding dues by filing a representation before the respondents therein as per the order dated 07.11.2019 (Annexure P-12) and after decision of the same, to avail other legal remedy, if required and on the basis of this order, petitioner No.1 Ranjeet Singh submitted a representation (Annexure P-16) to respondent No.1 on 18.01.2023. Thereafter, the petitioners filed **CWP-29194-2023** seeking quashing of the impugned order (Annexure P-11) therein, which was disposed of vide order dated 10.01.2024 (Annexure P-18) with a direction to respondent No.1 to consider and decide the representation and in compliance

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thereof, speaking order has been passed on 10.04.2024 (Annexure P-19), which is under challenge in the present petition.

3. Learned counsel for the petitioners further contends that the petitioners are also entitled to House Rent Allowance at the rate as admissible to government employees, in terms of the decision taken by the Board of Directors in its meeting held on 11.03.1980. Further, benefits of selection grade, HRA, employer's share in Contributory Provident Fund, medical reimbursement/allowance to widow of the retiree have not been granted.

4. *Per contra*, learned State counsel submits that owing to repeated rounds of litigation pursued by late Kanwar Singh and thereafter, his legal heirs, the respondent-Corporation has already paid an amount exceeding Rs.1.00 crore, as reflected in documents/annexures filed before different forums, by way of arrears, interest and costs — an amount entirely disproportionate to three years of service actually rendered. It is submitted that the deceased employee rendered only about three years of actual service in the late 1960s, yet the family has pursued continuous litigation for nearly five decades.

5. Learned State counsel argued that the present writ petition is nothing but a continuation of litigations. Despite judicial orders having been implemented and substantial amounts having been disbursed, the petitioners have repeatedly filed writ petitions, contempt petitions and fresh claims



seeking additional sums. This conduct clearly demonstrates an abuse of the process of law.

6. Having heard learned counsel for the parties at length and after careful perusal of record of the case with their able assistance, it transpires that deceased father of petitioners No.1 & 3 and husband of petitioner No.2, namely Kanwar Singh, was appointed as Block Officer on 23.07.1966 in the respondent-Corporation and his services were terminated on 14.02.1969, barely after rendering three years of service. As such, he raised an industrial dispute, which was referred to learned labour Court and vide award dated 02.02.1978, learned labour Court directed his reinstatement with continuity of service and back wages @ 30% i.e. Rs.120/- per month w.e.f. 18.02.1969 till his reinstatement. The award passed by learned labour Court was challenged by the respondent-Corporation by filing **CWP-1854-1980**, however, the same was dismissed vide order dated 30.10.1992 (Annexure P-1). The petitioner also filed **CWP-3308-1980**, claiming full back wages and the said writ petition was allowed. Thereafter, the petitioners filed another writ petition i.e. **CWP-10776-1997** for issuance of directions to the respondent-Corporation to accept his joining pursuant to his reinstatement and to pay full back wages along with interest @18% per annum from the date, it fell due. The aforesaid writ petition was allowed vide order dated 22.10.1997 (Annexure P-3) and a direction was issued to the respondent-Corporation to implement the modified



award of learned labour Court. Thereafter, the respondent-Corporation filed **CM-25888-1997** in **CWP-10776-1997** seeking more time to implement the modified award and this Court, vide order dated 21.11.1997, extended the time upto 15.01.1998.

7. Aggrieved by non-compliance of the aforesaid award/orders, the petitioners filed contempt petition i.e. **COCP-1561-2003**, however, the same was dismissed by this Court on 04.07.2005 on the ground of maintainability. In the meantime, respondent-Corporation passed an order on 25.09.2006 by concluding that deceased Kanwar Singh is not entitled to back wages. Further, petition i.e. **CWP-3308-1980**, filed by deceased Kanwar Singh was dismissed in default on 30.10.1992, which was later on decided *ex parte* by this Court vide order dated 04.10.1996. Thereafter, deceased Kanwar Singh filed **COCP-190-1998** for implementation of the award passed by learned labour Court, as modified by this Court vide order dated 04.10.1996 passed in **CWP-3308-1980**, and the order dated 22.10.1997 passed in **CWP-10776-1997**. In the meantime, deceased Kanwar Singh retired and he received payment of Rs.2,02,575/- as arrears of back wages with interest vide cheque No.0312510 dated 08.01.1999, which was given during proceedings of **COCP-190-1998** and thereafter, the said contempt petition was dismissed on 16.02.1990. After that, deceased Kanwar Singh submitted a fresh claim amounting to Rs.30,72,989/- including interest @15% on 30.05.1999 and after calculating

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the same by the respondent-Corporation, it came to Rs.8,93,550.80 excluding interest, which does not include house rent, as during the claim period, he was not in service. The calculation made by the respondent-Corporation includes medical allowance w.e.f. January, 1998, as it was introduced by the government vide notification/circular dated 31.12.1997.

8. The petitioners are agitating the same claim on the basis of grounds taken in the earlier writ petition and deceased Kanwar Singh filed a number of writ petitions as well as contempt petitions. Further, **COCP-1429-2008** was disposed of on 07.11.2019. Thereafter, an application i.e. **CM-4775-CII-2020** was moved in the said contempt petition, which was dismissed as withdrawn vide order dated 12.03.2020, wherein the following order was passed: -

“Learned counsel for applicants-petitioners seeks permission to withdraw the instant application with liberty to applicants-petitioners to raise the plea that applicants-petitioners are entitled to interest on outstanding dues with monthly rest by filing representation before the respondents as per order dated 07.11.2019 passed in main petition and on decision of the same to avail other legal remedy, if required.

Dismissed as withdrawn with liberty, as aforesaid”

9. Thereafter, the petitioners approached this Court by filing **CWP-29194-2023** seeking setting aside of the impugned order dated 12.01.2018 (Annexure P-11) therein, however, on a specific prayer made by the petitioners, without commenting anything on merits of their claim, the said

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writ petition was disposed of on 10.01.2024 and a direction was issued to respondent No.1 therein to decide the representation dated 18.01.2023. The said representation was decided by passing the speaking order dated 10.04.2024 and Managing Director of the respondent-Corporation took a specific ground that all the admissible claims as mentioned in the office order dated 12.01.2018 have been paid to the petitioners along with interest @ 15% per annum as per directions issued by this Court on 07.11.2019. Further, after decision of **COCP-1429-2008**, the petitioners raised a dispute with regard to non-payment of allowances and also qua the calculation, for which the payment was made by the respondent-Corporation. Still further, the respondent-Corporation made detailed calculations and found that an amount of Rs.2,14,289/- was payable, which was paid to petitioner No.1 vide cheque No.144415 dated 26.12.2019. Further, the amount, for which deceased Kanwar Singh was entitled, has already been released by the respondent-Corporation in favour of the petitioners. Moreover, the order (Annexure P-19) was passed on 12.01.2018, as such, laying challenge to the same is time barred.

10. It is trite law that the delay in approaching this Court under Article 226 of the Constitution of India may be condoned, if sufficient cause is indicated or a reasonable explanation is provided for the same. However, the facts of the matter at hand indicate otherwise. Learned counsel for the



petitioners has failed to specify any compelling or extenuating circumstance, which prevented them from approaching this Court for such a long time. Reference in this regard may be made to the judgment rendered by a three-Judge Bench of the Hon'ble Supreme Court in ***Chairman/Managing Director, U.P. Power Corporation Limited and Others Vs. Ram Gopal, (2021) 13 SCC 225***, wherein, the following was held:

“16. Whilst it is true that limitation does not strictly apply to proceedings under Articles 32 or 226 of the Constitution of India, nevertheless, such rights cannot be enforced after an unreasonable lapse of time. Consideration of unexplained delays and inordinate laches would always be relevant in writ actions, and writ courts naturally ought to be reluctant in exercising their discretionary jurisdiction to protect those who have slept over wrongs and allowed illegalities to fester. Fence-sitters cannot be allowed to barge into Courts and cry for their rights at their convenience, and vigilant citizens ought not to be treated alike with mere opportunists. On multiple occasions, it has been restated that there are implicit limitations of time within which writ remedies can be enforced. In SS Balu v. State of Kerala, this Court observed thus:

“17. It is also well settled principle of law that "delay defeats equity". It is now a trite law that where the writ petitioner approaches the High Court after a long delay, reliefs prayed for may be denied to them on the ground of delay and laches irrespective of the fact that they are similarly situated to the other candidates who obtain the benefit of the judgment.”” (emphasis supplied)

11. Further, in ***Mrinmoy Maity Vs. Chhanda Koley and others, 2024 INSC 314***, a Two-Judge Bench of the Hon'ble Supreme Court speaking through Justice Aravind Kumar has categorically observed that the High Courts must factor in the delay, while exercising its discretionary powers



under Article 226 of the Constitution of India. It was further opined that undue and unexplained delay may be reasoned enough to dismiss a petition as indolent litigants ought not to be encouraged by writ Courts. Reliance can also be placed on the judgment rendered by a Division Bench of this Court in ***Kartar Singh Vs. Managing Director, HVPNL and others, CWP No.26962 of 2015***, decided on 04.04.2018 as well as the judgment passed by a Co-ordinate Bench of this Court in ***Jai Narain Rohilla Vs. Uttar Haryana Bijli Vitran Nigam Ltd.***, in ***CWP-1167 of 2025*** decided on 17.01.2025.

12. The present petition is in teeth of the principle of Constructive *res judicata* and Order II Rule 2 of the Code of Civil Procedure, 1908 (in short 'CPC'). The principle of constructive *res judicata* is an extension of the principle of *res judicata*. The origin of this principle in law can be found in the provisions contained in Order II Rule 2 read with Section 11 of CPC. A Constitution Bench of the Hon'ble Supreme Court in ***Devilal Modi Vs. Sales Tax Officer, Ratlam and Others, 1964 SCC OnLine SC 17*** has clearly held that the principle of Constructive *res judicata* would be applicable to the writ proceedings as well. The Hon'ble Apex Court, in para No.9 of the judgement speaking through Justice P.B. Gajendragadkar, observed as follows:

“9. It may be conceded in favour of Mr Trivedi that the rule of constructive res judicata which is pleaded against him in the present appeal is in a sense a somewhat technical or artificial rule prescribed by the Code of Civil Procedure. This rule

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postulates that if a plea could have been taken by a party in a proceeding between him and his opponent, he would not be permitted to take that plea against the same party in a subsequent proceeding which is based on the same cause of action; but basically, even this view is founded on the same considerations of public policy, because if the doctrine of constructive res judicata is not applied to writ proceedings, it would be open to the party to take one proceeding after another and urge new grounds every time; and that plainly is inconsistent with considerations of public policy to which we have just referred." (emphasis supplied)

13. Similar view has been expressed by a three-Judge Bench of the Hon'ble Supreme Court in the case of ***State of U.P. Vs. Nawab Hussain, 1977 2 SCC 806***, wherein it has been held that there may be a situation that the same set of facts may give rise to two or more causes of action, however, in such a case, if a person is allowed to choose and sue upon one cause of action at one time and to reserve the others for subsequent litigation, that would aggravate the burden of litigation and, therefore, such a course of action will be an abuse of the process of law. In paras No.3 & 4 of ***Nawab Hussain***'s case (*supra*), speaking through Justice P.N. Shinghal, following was observed:

"3. The principle of estoppel per rem judicatam is a rule of evidence. As has been stated in Marginson v. Blackburn Borough Council [(1939) 2 KB 426 at p. 437], it may be said to be "the broader rule of evidence which prohibits the reassertion of a cause of action". This doctrine is based on two theories: (i) the

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finality and conclusiveness of judicial decisions for the final termination of disputes in the general interest of the community as a matter of public policy, and (ii) the interest of the individual that he should be protected from multiplication of litigation. It therefore serves not only a public but also a private purpose by obstructing the reopening of matters which have once been adjudicated upon. It is thus not permissible to obtain a second judgment for the same civil relief on the same cause of action, for otherwise the spirit of contentiousness may give rise to conflicting judgments of equal authority, lead to multiplicity of actions and bring the administration of justice into disrepute. It is the cause of action which gives rise to an action, and that is why it is necessary for the courts to recognise that a cause of action which results in a judgment must lose its identity and vitality and merge in the judgment when pronounced. It cannot therefore survive the judgment, or give rise to another cause of action on the same facts. This is what is known as the general principle of res judicata.

*4. But it may be that the same set of facts may give rise to two or more causes of action. If in such a case a person is allowed to choose and sue upon one cause of action at one time and to reserve the other for subsequent litigation, that would aggravate the burden of litigation. Courts have therefore treated such a course of action as an abuse of its process and Somervell, L.J., has answered it as follows in *Greenhalgh v. Mallard* [(1947) All ER 255 at p. 257]:*

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“I think that on the authorities to which I will refer it would be accurate to say that res judicata for this purpose is not confined to the issues which the court is actually asked to decide, but that it covers issues or facts which are so clearly part of the subject-matter of the litigation and so clearly could have been raised that it would be an abuse of the process of the court to allow a new proceeding to be started in respect of them.”

This is therefore another and an equally necessary and efficacious aspect of the same principle, for it helps in raising the bar of res judicata by suitably construing the general principle of subduing a cantankerous litigant. That is why this other rule has some times been referred to as constructive res judicata which, in reality, is an aspect or amplification of the general principle.”

(emphasis supplied)

14. A two-Judge Bench of the Hon’ble Supreme Court in ***M. Nagabhushana Vs. State of Karnataka, (2011) 3 SCC 408*** has also concluded that there can be no doubt that the principle of constructive *res judicata*, as explained in Explanation IV to Section 11 of CPC, is also applicable to writ petitions. Further, a Division Bench of this Court in ***Mithan Lal Gupta Vs. State of Haryana, 2021 SCC OnLine P&H 4546*** has held that in light of Rule 32 of Writ Jurisdiction (Punjab & Haryana) Rules, 1976, the principle enshrined in Order II Rule 2 of CPC shall be applicable *mutatis mutandis* to writ proceedings. Said Rule reads as under:

“32. In all matters for which no provision is made by these rules, the provisions of the Code of Civil Procedure 1908, shall apply



mutatis mutandis, in so far as they are not inconsistent with these rules.”

15. The foundation of all reliefs sought by the petitioners in the present writ petition is the award dated 02.02.1978 passed by learned labour Court. Deceased Kanwar Singh had earlier moved this Court by means of **CWP-3308-1980** claiming full back wages and any cause of action or claim, that was available to him during the earlier round of litigation but was not raised therein, would be barred by the principle enshrined in Order II Rule 2 of CPC. The petitioners cannot be allowed to file a fresh petition for claiming reliefs by making a new twist to the factual matrix canvassed in earlier writ petition(s). There is no reason as to why the petitioners had not prayed for these reliefs in the earlier writ petition(s). Further, no explanation has been given for filing the present writ petition after such inordinate and huge delay.

16. Thus, it appears that the petitioners in the present case are agitating the same claim on the basis of grounds taken in the earlier writ petitions. It is settled law that once an issue has been adjudicated and attained finality, its re-agitation is impermissible. Multiplicity of proceedings without any new cause or substantive ground runs contrary to justice and public policy and constitutes an abuse of process of law. The Hon'ble Supreme Court, in a catena of judgments, has categorically held that persistence in filing proceedings, which re-agitate settled claims amounts to vexatious



litigation. The present petition is a textbook example of such abuse, where for three years of actual service, disproportionate benefits exceeding Rs.1.00 crore have already been received from the State exchequer. Such conduct not only reflects a lack of *bona fides*, but also constitutes a clear abuse of the process of law, undermining the sanctity of judicial proceedings and the majesty of the justice delivery system. This Court is of the opinion that prolonged litigation of this nature burdens the system, diverts public resources and denies timely justice to other deserving persons.

17. Keeping in view the facts and circumstances of the case and also the law laid down by the Hon'ble Supreme Court, this Court does not find it to be a fit case to exercise extraordinary powers under Article 226 of the Constitution of India. Accordingly, the present petition is dismissed with costs of Rs.10,000/- to be deposited by the petitioners with the Poor Patient Welfare Fund, PGIMER, Chandigarh within a period of one month from today.

18. All the pending miscellaneous application(s), if any, shall stand disposed of.

[HARPREET SINGH BRAR]
JUDGE

13.08.2025
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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No