



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

CWP-16996-2025

Date of Decision: 22.07.2025

OM PRAKASH

...PETITIONER

Vs.

STATE OF HARYANA AND OTHERS

...RESPONDENTS

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

Present:- Mr. Saurabh Bajaj, Advocate
for the petitioner(s).

VINOD S. BHARDWAJ, J. (ORAL)

1. Seeking setting aside of the order dated 02.04.2025 passed by respondent No.2 on the appeal submitted by the petitioner for release of his pensionary/retiral benefits, the instant writ petition has been filed.
2. Learned counsel appearing on behalf of the petitioner contends that the petitioner was appointed as a Driver with Haryana Roadways *vide* appointment letter dated 17.03.1978 and *vide* order dated 17.11.1998, he was transferred from Sonapat Depot to Chandigarh Depot. He was allotted Badge No.82. After his transfer, the petitioner joined the Chandigarh Depot and regularly performed his duties. He submits that the petitioner submitted an application for seeking voluntary retirement on 15.04.2001 on medical grounds followed by reminders.. However, a fire broke out in the official premises of the respondent(s) on 29.12.2002 which led to destruction of some records including the file submitted by the petitioner for seeking voluntary retirement.
3. He contends that despite submission of an application seeking



voluntary retirement, the petitioner was served with a charge-sheet dated 07.08.2001 alleging willful absence from duty. A show-cause notice dated 02.11.2004 was thereafter served upon him and he was eventually dismissed from service *vide* order dated 30.11.2006, without complying with principles of natural justice and without extending due appreciation towards the circumstances including his medical condition and destruction of the official records which substantiates the defence of the petitioner that he had already moved an application for seeking voluntary retirement.

4. Aggrieved by the order of dismissal, the petitioner preferred CWP No.5054 of 2011 before this Court, however, the said writ petition was dismissed *vide* order dated 21.03.2011 on account of delay and laches. He submits that the LPA No.1594 of 2014 preferred against the said order was disposed of as withdrawn from this Court *vide* order dated 11.11.2014 and seeking liberty to the petitioner to approach the competent authority for redressal of his grievance(s). Thereafter, a legal notice dated 30.11.2014 was submitted by the petitioner, however, as the same remained undecided, the petitioner approached this Court again by filing CWP No.7254 of 2015 wherein this Court *vide* order dated 21.04.2015 directed the respondent(s) to decide the legal notice. The claim of the petitioner was rejected by the respondent(s) *vide* order dated 15.06.2015. The petitioner approached this Court yet again by filing CWP No.14539 of 2015 which was disposed of by this Court *vide* order dated 22.08.2023 granting liberty to the petitioner to approach the higher

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authorities. The petitioner thereafter approached the Director General who *vide* order dated 02.04.2025, rejected the claim of the petitioner against which the instant writ petition has been filed.

5. Learned counsel appearing on behalf of the petitioner contends that the order of dismissal from service was bad since the respondent(s) have drawn adverse inference against the petitioner on the ground that the document/communication dated 15.04.2001 suspected as a fraudulent document whereas the validity of the said document cannot be denied or disputed since a specific diary number and letter number has been mentioned therein. He places reliance on the extract of the diary register dated 22.01.2001, as per which the entire service record had been called for and also refers to the serial number of the letter addressed by the General Manager, Haryana State Transport, Sonapat to General Manager, Haryana State Transport, Chandigarh. It is thus submitted that the respondents(s) have passed the dismissal order by recording an adverse finding against the petitioner and doubting the genuineness and validity of the document submitted by him and dealing the claim raised by the petitioner for his retiral benefits for no tangible basis.

6. I have heard the learned counsel appearing on behalf of the petitioner and perused the documents appended with the instant writ petition.

7. The entire case of the petitioner revolves around the submission of an application seeking voluntary retirement *vide* letter dated 15.04.2001, however, the respondent(s) have specifically recorded that the record in



this case stands burned and as such, the validity and genuineness of the said document referred to by the petitioner cannot be ascertained. Merely because a letter number or its diary dispatch is mentioned cannot be treated as a proof of the content of the letter apart from the fact that even the said diary and dispatch numbers do not establish the claim. The same is at best a call for service record. The letter do not refer to any subject for which the service record was asked for. Besides even though the petitioner wants to link the same to his request for VRS, however, as per his own case he submitted the application for VRS on 15.04.2001 whereas the appended letters are in continuation of some correspondence dated 22.01.2001 i.e. much before even submission of the application for VRS. The timelines thus do not support the case of the petitioner that the said correspondences was in the context of his VRS application. Now the diary dispatch register is dated 22.01.2001 i.e. before the application for seeking VRS. Clearly a false story on false pretext is being portrayed to commit fraud.

8. Be that as it may, even if the contention of the petitioner is accepted for the sake of argument and without conceding to the same, yet the claim for grant of retiral benefits in the present case cannot be granted *inter alia* for the following reasons:-

- (i) Undisputedly, the petitioner was served with the charge-sheet for his absence and punishment of dismissal from service was imposed upon him *vide* order dated 30.11.2006.



(ii) The petitioner challenged the said order by filing a CWP No.5054 of 2011 which was dismissed *vide* order dated 21.03.2011 and in LPA which was dismissed as withdrawn, the liberty was granted to the petitioner to approach the competent authorities as petitioner claimed entitlement to salary for the period worked for and pension, which he said he is entitled to. Therefore, the legal notice dated 30.11.2014 was submitted by the petitioner and the same was rejected *vide* order dated 15.06.2015. A perusal of the said order reveals that the claim by the petitioner in the said legal notice was for grant of salary and allowances as well as for pensionary benefits along with arrears of interest thereupon. The said claim was declined by the respondent(s). The petitioner thereafter filed a fresh writ petition impugning the same but the same was withdrawn to approach the higher authorities. Consequent thereupon, the impugned order dated 02.04.2025 has been passed. Noticeably, the petitioner has sought for grant of retiral benefits notwithstanding that the order of termination of his service dated 30.11.2006 had already attained finality. The petitioner despite being aware of the order, dismissing him from service, neither impugned the said order in his previous writ petition(s) nor in the instant writ petition but still argued at length against wrongful termination.



(iii) The petitioner has also appended the order dated 21.03.2011 passed in CWP No.5054 of 2011 which was the first writ petition filed by him after dismissal from service. A perusal of the said order shows that even in the said petition, the petitioner had only sought a direction for grant of pecuniary benefits on account of the service rendered by him with the respondent(s). The contentions raised by the petitioner herein were noticed by this Court and the writ petition was dismissed as misconceived for want of necessary documents and details and after also noticing that it was delayed.

(iv) The petitioner has failed to refer to any rule in his pleadings or during the course of arguments under which he would be entitled to pension despite dismissal from service. Notwithstanding the same, portrayal was made during arguments as if the Division Bench passed any positive mandate in his favour.

(v) The judgment dated 21.03.2011 in CWP No.5054 of 2011 attained finality and dismissal order was upheld. *Res judicata* thus applied and the same issue could not have been re-agitated but repeated attempts have been made through multiple writs to portray wrongful deprivation.

9. Notwithstanding the rejection of the claim of the petitioner at multiple occasions by the High Court, the petitioner re-initiated the

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process of seeking fresh adjudication under the garb of submission of a representation. Such an intent on the part of the petitioner is not only dishonest but is also mischievous and aimed to play fraud on Court.

10. The petition, is therefore, held to be without any merit and is **dismissed** with cost of Rs.10,000/- to be deposited by the petitioner with the District Legal Services Authority, Sonapat. This Court was inclined to impose a heavier cost to a minimum of Rs.50,000/- but has taken a lenient view considering that the petitioner is a dismissed 73 years old person.

(VINOD S. BHARDWAJ)
JUDGE

22.07.2025*Rahul Joshi*

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No