



CWP-20112-2002

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

204/1

CWP-20112-2002

Date of Decision: 07.04.2026

DR. SHRI KRISHAN SHARMA

...Petitioner(s)

Versus

STATE OF HARYANA AND OTHERS

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

Present:- Ms. Ridhima Khindria, Advocate for the petitioner.

Mr. Aakash Singla, Additional Advocate General, Haryana.

TRIBHUVAN DAHIYA, J. (Oral)

The petition has been filed seeking a writ of *certiorari* quashing the order dated 31.07.2002, Annexure P-10, to the extent the petitioner has been refused salary for the break period. Further, a writ of *mandamus* has been sought directing the respondents to refix his pay and release salary for the break period.

2. As apparent on record, the petitioner was appointed as Lecturer in Sanskrit on *ad hoc* basis in the Government College, Dubaldhan, District Rohtak, on 17.10.1980 and worked there till 15.03.1982; actual period of engagement was from 17.10.1980 to 06.03.1981 and 04.08.1981 to 15.03.1982. Thereafter, he worked in Government College, Narwana, Narnaul and Tohana on regular basis from 27.08.1982 to 05.03.1985. And was not paid salary for about ten months, which included vacation period salary also. The petitioner statedly approached this Court by filing CWP-18755-1991, with a prayer to direct the respondents to give the payment of salary for the period of summer breaks and annual increments due to him. As per the directions issued, he was paid salary for the period of summer vacation from 10.05.1981 to 10.07.1981 and 09.05.1982 to 10.07.1982, for four months, but



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for the remaining period of about six months and seven days, the salary was not paid. He was later regularly appointed in the Institute of Sanskrit and Indological Studies, Kurukshetra University, Kurukshetra, on 06.03.1985. In these circumstances, the petitioner again approached this Court by filing the instant petition seeking the same relief as claimed in the earlier round of litigation.

3. Learned State counsel contended that the second petition on the same cause of action is not maintainable being barred by the principles of constructive *res judicata*. Secondly, he contends that the petition is suffering from delay and laches, as the claim for payment of break period salary pertains to the years 1981 and 1982, whereas the petition has been filed after a gap of about nineteen years.

4. Considering the submissions, this Court is not inclined to grant the relief claimed on both the counts as contended by learned State counsel. Once the petitioner earlier approached this Court on a similar cause of action by filing CWP-18755-1991, wherein salary for the break period was not claimed, it could not have been claimed by filing the instant petition also. The claim is deemed to have been given up and cannot be raised again due to the bar contained in Order 2 of Rule 2 of the Code of Civil Procedure, 1908. Besides, on account of delay and laches also, the petition is not maintainable as the claim has been raised after inordinate and unexplained delay of more than nineteen years.

5. The petition accordingly stands dismissed.

(TRIBHUVAN DAHIYA)
JUDGE

07.04.2026

Ad

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No