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Clerk to Cashier. The petitioner was appointed Cashier and continued to serve for five years and thereafter, an order was passed on 07.05.2002 vide which the petitioner was directed to relinquish the charge of Cashier and he was reverted to the post of Clerk. The petitioner challenged the same by filing CWP No.7373 of 2002 titled as ***Jatinder Kumar Vs. State of Punjab and others*** which was allowed on 18.11.2003 (Annexure P-1) by quashing the impugned order dated 07.05.2002. Thereafter, the petitioner continued to discharge the duties of Cashier. However, vide communication dated 20.06.2025 (Annexure P-5), the petitioner was directed to vacate the chamber of the Cashier, in response to which, he submitted his reply. Subsequently, the Executive Officer passed an order dated 23.06.2025 (Annexure P-7), withdrawing the duties of Cashier from the petitioner and assigning him the duties of Clerk. Aggrieved by this, the petitioner filed COCP No.3033 of 2025 against the Executive Officer for violation of the judgment rendered by this Court on 18.11.2003 in CWP No.7373 of 2002. The contempt petition was dismissed in view of the reply filed by the Executive Officer. The Municipal Council passed a resolution dated 18.07.2025 (Annexure P-11) for placing the petitioner under suspension. Consequential suspension order was passed on 19.02.2026 (Annexure P-12). The petitioner filed an appeal on 03.03.2026 (Annexure P-13) to respondent No.2 which remains pending and has not been decided till date. The impugned resolution and suspension order was passed in retaliation against the contempt petition filed by the petitioner.

3. *Per contra*, learned counsel for respondent No.4 submits that the petitioner has invoked two forum simultaneously for the same relief. On the



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one hand he has already filed a statutory appeal and on the other hand, he has approached this Court by way of the present writ petition. Further, the petitioner has merely been transferred to another branch, however, he continued to work as Cashier in the interest of better administration. Further, it is a trite law that writ jurisdiction of this Court cannot be invoked merely on issuance of suspension order.

4. Having heard learned counsel for the parties and after perusal of the record with their able assistance, it transpires that the Division Bench of this Court on 18.11.2003, allowed the writ petition filed by the petitioner by setting aside the order dated 07.05.2002 and the operative part of the judgment is reproduced as under:-

“In this view of the matter when the petitioner had remained posted as a Cashier and was so upgraded with effect from July 21, 1997, then it is too late in the day for the respondents to claim that the petitioner was still to be treated as a Clerk and was liable to be transferred to above. The respondents cannot be heard to make the aforesaid claim in view of the documents referred to above.

Accordingly, the present writ petition is allowed, Order Annexure P/10 is quashed. It is further directed that the respondent would fix the entitlement the petitioner as a Cashier. However, the respondents would be at liberty to post the petitioner on any post which is equivalent to the post of Cashier, without affecting his status and his pay and allowances.”

5. The perusal of Annexure P-9 clearly indicates that the petitioner has refused to submit the Chest Book and Challans daily in the Accounts Branch which was duly communicated to him vide order letter No.832 dated

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06.06.2025 (Annexure P-2). Thereafter, on 20.06.2025, vide letter No.948, the petitioner was assigned the duty to work in the Property Tax Branch. The petitioner refused to vacate the office allotted to him. Consequently, in the interest of better administration, vide order dated 23.06.2025, the petitioner was assigned duties in the Property Tax/Rent Recovery Branch. It is contended that only the nature of duties assigned to the petitioner was changed, whereas, his substantive post continued to remain that of Cashier. However, the petitioner did not report on duty and proceed on leave by sending an e-mail. The petitioner even locked the room which was assigned to the Assistant Municipal Engineer and took the keys with him while he remained away from duty. On 30.06.2025 vide letter No.1022, the petitioner was informed that his leave was not accepted and that he continues to draw the salary of Cashier and further, the Division bench of the Court while passing the judgment on 18.11.2003 (Annexure P-1) has granted liberty to the respondent to post the petitioner on any post which is equivalent to the post of Cashier without affecting his status and his pay and allowances.

6. In view of the above, this Court finds no force in the arguments advanced by learned counsel for the petitioner and being devoid of merit, the present petition is hereby dismissed.

(HARPREET SINGH BRAR)
JUDGE

14.05.2026*Neha*

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