
(2014) 03 P&H CK 0073
In the Punjab And Haryana At Chandigarh
Case No : C.W.P. No. 28345 of 2013 (O and M)

Ashok Kumar

APPELLANT

Vs

State of Punjab and Others

RESPONDENT

Date of Decision : 18-03-2014

Acts Referred:

Citation : (2014) 03 P&H CK 0073

Hon'ble Judges : Rajesh Bindal, J

Bench : Single Bench

Advocate : Harbans Lal Sharma, for the Appellant;

Final Decision : Dismissed

Judgement

Rajesh Bindal, J.—The petitioner, who was dismissed from service vide order dated 31.5.2006, as Inspector, Cooperative Societies, has filed the present petition seeking a direction to the respondents to grant him pay scale of ` 1800-3200 from 1.1.1986. For the purpose, reliance has been placed upon a Division Bench judgment of this court in LPA No. 376 of 2003--State of Punjab and others v. Harbhajan Singh Bajwa and others, decided on 17.10.2008. Learned counsel for the petitioner submitted that Punjab State Cooperative Inspectors Association and others had earlier filed CWP No. 16919 of 2006 in this court claiming the same relief which was allowed on 17.10.2008 and in terms of the constitution of the Association, every Inspector is a member thereof, but despite this fact the petitioner has been denied the relief.

2. After hearing learned counsel for the petitioner, in my opinion, once the definite case of the petitioner is that he was a petitioner before this court in CWP No. 16919 of 2006 filed by the Association being a member thereof, a fresh writ petition claiming the same relief will not be maintainable.

3. Even otherwise, if the petitioner is not considered to be a member of the Association and the present petition is treated afresh, the same deserves to be dismissed on account of delay and laches as the relief prayed for in the present

petition is for higher pay scale from 1.1.1986. The petitioner was dismissed from service vide order dated 31.5.2006 and the writ petition was filed nearly eight years thereafter. For the purpose, reference can be made to the judgments of Hon"ble the Supreme Court in State of Uttaranchal and Another Vs. Sri Shiv Charan Singh Bhandari and Others, and Civil Appeal No. 1941 of 2014 [arising out of SLP (C) No. 15530 of 2013]--Chennai Metropolitan Water Supply and Sewerage Board and others v. T.T. Murali Babu, decided on 10.2.2014. For the reasons mentioned above, the writ petition is dismissed.