

(2019) 12 P&H CK 0200

In the Punjab And Haryana At Chandigarh

Case No : Civil Writ Petition No. 3521, 3533, 7843 Of 2017

K.L. Vig And Ors

APPELLANT

Vs

Canara Bank And Another

RESPONDENT

Date of Decision : 05-12-2019

Acts Referred:

Citation : (2019) 12 P&H CK 0200

Hon'ble Judges : G.S. Sandhawalia, J

Bench : Single Bench

Advocate : Praveen Gupta, Ranvir S. Chauhan, D.S. Nalwa, R.N. Lohan

Final Decision : Dismissed

Judgement

1. The present order shall dispose of three writ petitions i.e. CWP No. 3521, 3533 and 7843 of 2017, as common questions of law and fact are involved. The facts are being taken from CWP No. 3521 of 2017.

2. The petitioners pray for payment of interest on account of delayed payment of leave encashment @ 18% from the respective due dates of retirement.

3. It is not disputed that on an earlier occasion all the three petitioners had filed writ petitions bearing CWP Nos. 16287, 6092 and 5383 of 2009, respectively the same were disposed off vide common judgment dated 09.03.2011 passed in CWP No. 5383 of 2009 'Ranvir Singh v. Canara Bank, Bangalore' (Annexure P-2).

4. In CWP No. 16287 of 2009, the petitioner-K.L. Vig, had sought to release the benefits of all retiral dues and all consequential benefits. In the prayer clause, the interest element was also asked for. The relevant portion of the prayer clause reads as under:-

"ii) A writ in the nature of mandamus holding that petitioner has also become entitled to interest from the date of amount became due till it is actually paid to the petitioner at the commercial rates usually charged by the Bank Authorities."

5. The Coordinate Bench of this Court while deciding the cases on 09.03.2011 (Annexure P-2) allowed the above said three writ petitions and directed the respondents to release the leave encashment within a period of one month from the receipt of the certified copy of the order. The relevant portion of the said judgment read as under:-

"All the writ petitions are, therefore, allowed. Respective impugned orders in all the three writ petitions are quashed and directions are hereby issued to the respondents to release the leave encashment due to the petitioners within a period of one month from the date of receipt of copy of this order. There shall be no order as to costs."

6. It is in such circumstances, the second writ petition on the same cause of action has been preferred. Once the relief has not been granted in the earlier round of litigation and the order has become final inter se the parties, the second writ petition on the same cause of action would not lie. The relief is deemed to have been denied as such and in the absence of any appeal having been filed by the petitioners, no relief can be granted in the second round of litigation, which are not maintainable.

7. The writ petitions are, accordingly, dismissed.