

Jiwan Kumar Vs State of Punjab and Another

Court: High Court Of Punjab And Haryana At Chandigarh

Date of Decision: Aug. 23, 2013

Hon'ble Judges: Tejinder Singh Dhindsa, J

Bench: Single Bench

Advocate: H.S. Sirohi, for the Appellant;

Final Decision: Dismissed

Judgement

Tejinder Singh Dhindsa, J.

Brief facts of the case are that the petitioner was initially appointed as a Panchayat Secretary in the Department

of Rural Development & Panchayats, State of Punjab on 8.4.1980. Thereafter, he was appointed as Child Development Project Officer in the

Department of Social Security, Woman & Child Development, Punjab on 6.1.1999 by way of direct recruitment. Vide order dated 14.9.2001 the

petitioner was taken on deputation in the Department of Rural Development & Panchayats on the post of Block Development & Panchayat

Officer against a post meant for direct recruitment for a period of one year subject to further extension from time to time. Finally in the light of

order dated 16.4.2007 he was ordered to be repatriated back to his parent department. Petitioner preferred CWP No. 6346 of 2007 impugning

the order of repatriation dated 16.4.2007 and the same was disposed of by this Court on 25.8.2008 by directing the respondent-authorities to

decide his legal notice dated 14.2.2008. In deference to the order passed by this Court, the State passed an order dated 27.11.2008, whereby

the legal notice preferred by the petitioner against his order of repatriation was filed and such order of repatriation to his parent department was

upheld. The present writ petition has been filed impugning memo dated 15.5.2013 at Annexure P-9, whereby an application submitted by the

petitioner to forward a Memorial Petition preferred by him to His Excellency the Governor of Punjab against his order of repatriation, has been

rejected.

2. Having heard learned counsel for the petitioner at length and having perused the pleadings on record, I find that the present writ petition is

wholly misconceived.

3. It is not a matter of dispute that against the order of repatriation dated 16.4.2007 as also the order dated 27.11.2008, whereby his legal notice

submitted against the order of repatriation having been rejected, the petitioner had filed CWP No. 4047 of 2009. Vide detailed judgment dated

16.7.2012 passed by this Court the writ petition was dismissed and the order of repatriation dated 16.4.2007 had been upheld. Such judgment

has been placed on record at Annexure P-3. A perusal of the same would reveal that the issue had been dealt with on merits and the prayer of the

petitioner to be absorbed in the borrowing department had been declined. Such judgment dated 16.7.2012 passed in CWP No. 4047 of 2009

was thereafter even affirmed by the L.P.A. Bench vide judgment dated 16.10.2012 passed in L.P.A. No. 1648 of 2012.

4. The order of repatriation of the petitioner dated 16.4.2007 back to his parent department having already been upheld by this Court, the present

writ petition can only be termed as a device to reopen the issue in a surreptitious manner by submitting a Memorial Petition and now seeking

directions for such Memorial Petition to be adjudicated on merits. Suffice it to observe that the petitioner is guilty of abuse of the process of Court

and has filed a frivolous petition.

5. The present writ petition is totally devoid of merit and is misdirected. The same is, accordingly, dismissed with costs of Rs. 25,000/- to be

deposited with the Secretary, Punjab State Legal Services Authority, within a period of two months. Petition dismissed.