

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CWP-26673-2025

Date of decision: 08.09.2025

Harmeet Singh

....Petitioner

Versus

Punjab & Haryana High Court and others

....Respondents

**CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI**

Present: Mr. Sahil Sharma, Advocate,  
for the petitioner.

Mr. Prateek Sodhi, Advocate,  
for respondents No.1 and 2.

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**KULDEEP TIWARI, J.** (Oral)

1. Through the instant writ petition, as cast under Article 226 of the Constitution of India, a Certiorari is prayed for, to quash the letter dated No.1853/G, dated 19.04.2016 (Annexure P-1), wherethrough, a departmental enquiry has been initiated against the petitioner by the office of learned District and Sessions Judge, Ludhiana.

2. Succinctly stated, the petitioner had joined as a Clerk in the office of learned District and Sessions Judge, Ludhiana, on 12.03.2009. However, on 20.07.2012, he was transferred to the Sessions Division, Mansa, under Rule 10(2) of the Punjab Subordinate Courts Establishment (Recruitment and General Conditions of Services) Rules, 1997. While he was posted in the Court learned Additional Civil Judge, Senior Division, Budhlada, District Mansa, learned District and Sessions Judge, Ludhiana, initiated the impugned departmental enquiry against the petitioner, vide

letter No.1853/G, dated 19.04.2016, and accordingly, a charge sheet was served upon him.

3. Learned counsel for the petitioner submits that the article of charge appertains to the alleged misconduct committed by the petitioner, while posted at Budhlada, District Mansa, whereas, the departmental proceedings have been initiated by the office of learned District and Sessions Judge, Ludhiana, which does not have any jurisdiction over the matter. In support of his contention, he places reliance upon a clarification dated 18.08.2018 (Annexure P-3), issued by the Registrar General of this Court. He further submits that even earlier, the petitioner had approached this Court by way of CWP-23372-2022, but on a different issue, and he was not aware of the notification (supra). He asserts that, post decision of the writ petition (supra), petitioner came to learn about the clarification (supra), therefore, he has approached this Court again. Though, in the interregnum, petitioner has been transferred back to the District Court, Ludhiana, on 10.12.2024. Therefore, it is urged that a Certiorari be issued, quashing the impugned letter.

4. After considering the rival submissions advanced on behalf of learned counsel for the parties, this Court is of the considered opinion that the petition at hand is not maintainable. Rather, the petitioner, under the guise of this petition, is trying to delay the conclusion of enquiry proceedings, which were initiated against him as far back as in the year 2016.

5. Even in the earlier writ petition (CWP-23372-2022), the same issue, which is sought to be raised in the instant petition, was raised by the petitioner, and the same is clearly manifested from the perusal of the order dated 22.12.2022 (Annexure P-4). The relevant part thereof is

extracted hererinbelow:-

*“The present application has been filed for stayig the departmental enquiries initiated against the applicant-petitioner by the Sessions Divisions of Mansa and Ludhiana.*

*Learned counsel for the applicant-petitioner submits that in respect of allegation of misbehaviour with the Judicial Officer at Budhlada, the article of charges was issued by the District and Sessions Judge, Ludhiana and the same was without jurisdiction in view of the clarification dated 18.08.2018 issued by the office of Registrar, General, High Court of Punjab and Haryana to all the District and Sessions Judge in the States of Punjab and Haryana, clarifying that the inquiry against the delinquent employee shall be initiated by the District and Sessions Judge, where the employee has committed the misconduct and on conclusion of the inquiry, the inquiry officer shall forward the inquiry report to the punishing authority for imposition of penalty. On the strength of the aforesaid letter, learned counsel for the applicant-petitioner submits that the inquiry conducted by the District and Sessions Judge, Ludhiana in respect of alleged act of misbehaviour with the judicial officer at Budhlada is without jurisdiction and, therefore, the inquiry report be not implemented.*

*Learned counsel for the applicant-petitioner has referred to the order dated 16.01.2018 passed in CWP No. 757 of 2018, which was upheld vide order dated 03.12.2018 passed in LPA No.1553 of 2018.*

*Reply has been filed on behalf of the respondents along with accompanying documents showing that in view of letter No.33896 dated 19.09.2012 issued by the office of Registrar, General, Punjab and Haryana High Court to all the District and Sessions Judges in the State of Punjab, the employees transferred under Rule 10 (2) of the Punjab Subordinate Courts Establishment (Recruitment and General Conditions of Service) Rules, 1997 from one Sessions Division to other Sessions Division, the employee shall continue to be*

*employee of parent Sessions Division for all intents and purposes. The clarification has been given on 18.08.2018 with regard to the station where disciplinary proceedings are to be conducted against the delinquent employee, who has been transferred under Rule 10 (2) of the aforesaid rules and it has been clarified that the inquiry against the delinquent employee shall be initiated by the District and Sessions Judge, where the employee has committed the misconduct and on completion of inquiry, the same shall be forwarded to the punishing authority for imposition of penalty.*

*The issue needs to be heard along with the writ petition on the date fixed i.e.10.02.2023.*

*Till the next date of hearing, the District and Sessions Judge, Ludhiana shall adjourn the proceedings of inquiry beyond the date fixed.”*

6. Further, the writ petition was eventually disposed of, by a Coordinate Bench, vide order dated 14.01.2025 (Annexure P-5), and the operative part thereof, reads as under:-

*“Learned counsel for the petitioner submits that certain developments have taken place after the filing of the present petition as the petitioner has again been transferred back to Ludhiana, which has changed the nature of claim being raised in the present petition and keeping in view the said developments that as of now, the petitioner is working with the Ludhiana Sessions Division, the claim raised in the present petition no longer exists hence, the present petition may kindly be disposed of as having been not pressed any further.*

*Ordered accordingly.”*

7. A bare glance of the abovesaid orders makes it clear that in the second round of litigation, the petitioner is again raising the same issue, which attracts the rigors of the principle of *res judicata*. Coming to the submission that earlier, the petitioner was oblivious of the

instructions/clarification (supra), this Court is of the view that the same does not come to the rescue of the petitioner from the principle of estoppel. Further, this issue was duly considered in the earlier writ petition, as reflected from the interim order (supra), and if the same was not adjudicated, at the time of final disposal thereof, the petitioner has a different remedy.

8. So far as the argument that since the issue involved in the instant writ petition was never raised in the earlier petition, and therefore, petitioner has every right to raise the plea, is concerned, this Court has recorded the said submission, only for the purpose of rejection, as he cannot be allowed to raise this issue or set up a claim in a piecemeal manner, since the same would be hit by the principle of constructive *res judicata*.

9. In view of the above, the instant writ petition, being bereft of any merit, is accordingly **dismissed**.

(KULDEEP TIWARI)  
JUDGE

08.09.2025  
Ak Sharma

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|---------------------------|--------|
| Whether speaking/reasoned | Yes/No |
| Whether reportable        | Yes/No |