



120+121

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

1) CWP-27775-2025
Date of decision: 17.09.2025

Surender ...Petitioner
Versus

Dakshin Haryana Bijli Vitran Nigam Limited and others ...Respondents

2) CWP-27779-2025

Ramesh ...Petitioner
Versus

Dakshin Haryana Bijli Vitran Nigam Limited and others ...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Ravi Gakhar, Advocate for
Mr. Gurpreet Jayia, Advocate
for the petitioner(s).

Mr. S.S. Parmar, Advocate
for the respondents.

HARPREET SINGH BRAR, J. (ORAL)

1. This common order shall dispose of the aforementioned civil writ petitions as they arise from a similar factual matrix. However, for the sake of brevity, the facts are taken from **CWP-27775-2025**.

2. The present petition(s) has been filed under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of *mandamus* to the effect that the petitioners be granted all consequential benefits of regular pay, including annual increments and other admissible allowances.

CONTENTIONS

3. Learned counsel for the petitioner(s) submits that the petitioner(s) was appointed as a part time Mali on 23.03.1995 and the duties assigned to him



have been identical in nature to those discharged by other employees holding different posts and has rendered more than 20 years of unbroken service. He further relies upon the judgment of this Court passed in CWP No.2326 of 2011 titled as *Chhabi Lal and others Vs. State of Haryana* decided on 20.05.2015 which directed the regularization of similarly situated employees. The petitioner then filed CWP No.13700 of 2015 which was allowed on 24.04.2018 directing the regularization of the petitioners' services. Thereafter, the respondents' filed an appeal bearing LPA No.343 of 2019 which was dismissed on 21.07.2022. Due to non-compliance, the petitioner filed COCP No.3415 of 2018 and during its pendency, the respondents issued a regularization offer dated 14.07.2022 with effect from 03.11.2017. The petitioner then moved this Court vide CWP 20406-2024 claiming regularisation with effect from 29.07.2011 at par with his juniors instead of 03.11.2017. The said petition was disposed of vide order dated 14.02.2025 (Annexure P-5) and the petitioner was correctly regularised with effect from 29.07.2011. It is argued that despite this correction, the Respondents have failed to release the consequential benefits of regular pay, including annual increments and other admissible allowances from 29.07.2011.

4. Learned counsel for the respondents at the very outset submits that the present petition filed by the petitioner would be hit by the principle of *Res Judicata* as earlier, the petitioner(s) in both the writ petitions have approached this Court by filing CWP No.20406 of 2024 and CWP No.29480 of 2024 in which reliance has been placed upon CWP No.2326 of 2011 titled as *Chhabi Lal and others Vs. State of Haryana and others* and judgment dated 10.10.2017 passed in LPA No.1700 of 2015 titled as *HVPNL and others Vs. Chhabi Lal and others*. The Coordinate Bench of this Court has considered



the controversy involved in the present case and has only allowed notional regularization of the petitioner(s) with effect from 29.07.2011 on the ground of parity as discernible from Annexure P-5. The prayer in **CWP No.20406-2024** is reproduced as under:-

“Civil Writ Petition under Article 226/227 constitution of India with the prayer for issuance of an appropriate writ, order or direction in the nature of certiorari quashing the inaction of the respondents for regularizing the services of the petitioner from 03.11.2017 erroneously whereby the petitioner is entitled to get his services regularized with effect from 29.07.2011 at par with his juniors in view of well settled laws as referred in the present petition hence the same is illegal, arbitrary against the principles of natural justice hence warranted kind indulgence of this Hon'ble court in view of facts and circumstances enumerated in the present petition.

AND

Further prayer for issuance of an appropriate writ, order or direction in the nature of mandamus directing the respondents for regularizing the services of the petitioner with effect from 29.07.2011 granting fixation of pay in regular scale, arrears, seniority on the basis of the revised pay scale including all the consequential benefits associated with regularization in view of facts and circumstances enumerated in the present petition. (Emphasis supplied)

Further, the relevant portion of the order dated 14.02.2025 passed by the Coordinate Bench of this Court in the earlier writ petition filed by the petitioner(s) is reproduced as under:-

*“3. The petitioner claims that he was regularized in terms of judgment dated 20.05.2015 passed in CWP-2326 of 2011 titled as ‘Chhabi Lal and others Vs. State of Haryana and others’ and judgment dated 10.10.2017 passed in LPA No. 1700 of 2015 titled as ‘HVPNL and others Vs. Chhabi Lal and others’. He was regularized along with other similarly situated employees. The other employees have been regularized notionally w.e.f. 29.07.2011 though cash benefits are extended from the date of joining as regular Peon/Sweeper. **The petitioner on the ground of parity deserves notional regularization w.e.f. 29.07.2011.***

4. Faced with order dated 16.12.2020 (Annexure P-8) passed in the case of similarly situated employees and order dated 14.07.2022 (Annexure P-3) passed in the case of petitioner, Ms. Rajni Gupta, Addl. A.G., Haryana submits that Competent Authority would reconsider claim of



the petitioner in terms of order dated 16.12.2020 passed in the case of other employees.” (Emphasis supplied)

5. Learned counsel for the respondents points out that in the earlier writ petition along with the prayer of regularization, second prayer was made with regard to fixation of pay, arrears, seniority on the basis of revised pay scale including all consequential benefits with regularization. As such, the second petition on the same cause of action seeking the same relief would further be struck by the principle of *Res Judicata*. If the petitioner is having any surviving grievance against the judgment passed by the Coordinate Bench on 14.02.2025, he has the right to file an Intra Court Appeal.

OBSERVATION & ANALYSIS

6. Having heard learned counsel for the parties at length and after careful perusal of record of the case with his able assistance, this Court is of the opinion that the present petition is in teeth of the principle of *Res Judicata*. A Two-Judge Bench of the Hon’ble Supreme Court in *P. Bandopadhyaya v. Union of India, (2019) 13 SCC 42* speaking through Justice Indu Malhotra has held as follows:

“8.11. The decision in *S.V. Vasaikar v. Union of India* [*S.V. Vasaikar v. Union of India, 2003 SCC OnLine Bom 171 : (2003) 2 Mah LJ 691 : (2003) 4 Bom CR 79*] was not challenged before the Supreme Court, and has since attained finality. Therefore, the relief sought by the appellants before the High Court was barred by the principle of *res judicata*. Reference can be made to the decision of the Constitution Bench in *Direct Recruit Class II Engg. Officers' Assn. v. State of Maharashtra* [*Direct Recruit Class II Engg. Officers' Assn. v. State of Maharashtra, (1990) 2 SCC 715 : 1990 SCC (L&S) 339 : AIR 1990 SC 1607*] wherein Sharma, J., on behalf of the five-Judge Bench, held: (SCC pp. 740-41, para 35)

“35. ... It is well established that the principles of *res judicata* are applicable to writ petitions. The relief prayed for on behalf of the petitioner in the present case is the same as he would have, in the event of his success, obtained in the earlier writ petition before



*the High Court. The petitioner in reply contended that since the special leave petition before this Court was dismissed in limine without giving any reason, the order cannot be relied upon for a plea of res judicata. The answer is that it is not the order of this Court dismissing the special leave petition which is being relied upon; the plea of res judicata has been pressed on the basis of the High Court's judgment which became final after the dismissal of the special leave petition. **In similar situation a Constitution Bench of this Court in Daryao v. State of U.P. [Daryao v. State of U.P., (1962) 1 SCR 574 : AIR 1961 SC 1457] held that where the High Court dismisses a writ petition under Article 226 of the Constitution after hearing the matter on the merits, a subsequent petition in the Supreme Court under Article 32 on the same facts and for the same reliefs filed by the same parties will be barred by the general principle of res judicata. The binding character of judgments of courts of competent jurisdiction is in essence a part of the rule of law on which the administration of justice, so much emphasised by the Constitution, is founded and a judgment of the High Court under Article 226 passed after a hearing on the merits must bind the parties till set aside in appeal as provided by the Constitution and cannot be permitted to be circumvented by a petition under Article 32.***

(emphasis supplied)

Albeit the decision of the Constitution Bench was in the context of a writ petition filed under Article 32, it would apply with greater force to bar a writ petition filed under Article 226, like the one filed by the present appellants, by the operation of the principle of res judicata.

(Emphasis supplied)

7. Recently, a Two-Judge Bench of the Hon'ble Supreme Court in ***Puja Ferro Alloys (P) Ltd. v. State of Goa, 2025 SCC OnLine SC 326*** speaking through Justice Dipankar Datta has reiterated the view that the principle of *Res Judicata* applies to petitions arising for decision in the writ jurisdiction under Article 226 of the Constitution. Para 24 of the judgement is reproduced as under:

“24. It is now well settled that the principle of res judicata applies even to petitions arising for decision in the writ jurisdiction under Article 226 of the Constitution. If any authority is required one may profitably refer to the decision in T.P. Moideen Koya v. State of Kerala [(2004) 8 SCC 106].”



8. The petitioners had earlier invoked the jurisdiction of this Court through CWP No. 20406 of 2024 and CWP No. 29480 of 2024, wherein they sought the very same relief of consequential benefits of regular pay, including annual increments and other admissible allowances, as is being prayed for in the present writ petition. This Court, vide order dated 14.02.2025 (Annexure P-5), duly considered the controversy in issue and granted only the relief of notional regularization of the petitioners w.e.f. 29.07.2011, on the ground of parity. Accordingly, the present writ petition, which seeks the same relief, is barred by the principle of *Res judicata* and is thus not maintainable.

9. In view of the discussion above, this Court does not find it appropriate to invoke its extraordinary writ jurisdiction under Article 226 of the Constitution of India. Accordingly, the present petitions stand dismissed.

10. A photo copy of this order be placed on the file of connected case.

(HARPREET SINGH BRAR)
JUDGE

17.09.2025
Neha

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