

**BEFORE THE UTTARAKHAND PUBLIC  
SERVICES TRIBUNAL, BENCH AT NAINITAL**

Present: Sri V. K. Maheshwari

----- Vice Chairman (J)

&

Sri U.D. Chaube

----- Member (A)

**CLAIM PETITION NO. 06/N.B./D.B./2015**

Dr. Naresh Chandra Varshney, S/o Late Bholanath Varshney,  
R/o Amrawati-I (Malli Bamori), Haldwani, District Nainital.

.....Petitioner

**VERSUS**

1. Secretary, Higher Education, State of Uttarakhand,  
Dehradun.
2. Director, Higher Education, State of Uttarakhand, Haldwani,  
District Nainital.
3. Principal, M.B. Govt. P.G. College, Haldwani (Nainital).

4. Principal, R.H. Govt. P.G. College, Kashipur (Udham Singh Nagar)
5. Director, Lekha Evam Hakdari, Laxmi Road, Dalanwala, Dehradun (Uttarakhand).

.....Respondents

Present : Petitioner Dr. Naresh Chandra Varshney in person.  
Sri V.P. Devrani, A.P.O. for the respondents.

### **JUDGMENT**

**DATE: May 06<sup>th</sup>, 2015**

**DELIVERED BY SRI V.K. MAHESHWARI, VICE CHAIRMAN (J)**

A supplementary affidavit bearing No. 51/6/NB/DB/2015/dated 6.5.2015 has been filed on behalf of the petitioner that is taken on record.

2. We have heard both the parties and perused the record carefully.

3. The facts are that this is the fourth round of litigation by the petitioner regarding the same cause of action i.e. regarding the payment of salary. The petitioner initially had preferred a claim petition numbered as 13/N.B/2007 Dr. Naresh Chandra Varshney

Vs. State of Uttarakhand & others which was disposed of at the stage of admission with the following direction:-

“Learned A.P.O. has admitted that till date no decision has been taken on these representations. Keeping in view that the representations moved by the petitioner are still pending before the respondents, so it is appropriate and in the interest of justice to decide the petition at the stage of admission with the directions to the respondents to dispose of the representations by means of speaking order with the liberty to the petitioner that in case he is aggrieved by the decision taken by the respondents on these representations then he may file separate petition before the Tribunal. Hence the respondents are directed to dispose of the representations of the petitioner within a period of 3 months from the date of receipt of copy of this order and decision be communicated to the petitioner also.

With these observations, the petition is finally disposed of at the stage of admission. No orders as to costs.”

4. The representation of the petitioner was dismissed which was challenged by the petitioner in claim petition No. 24/NB/2010 Dr. Naresh Chandra Varshney Vs. State of Uttarakhand & others which was disposed of on merits after hearing both parties on 29.08.2012 with the following direction :-

“The petition is partly allowed and the respondents are directed to make payment of the salary of the petitioner w.e.f. 24.10.1990 to 08.11.1990 and 16.08.1991 to 31.10.1991 and further to treat this period as period of service for the purposes of pension. No order as to costs.”

5. Thereafter, the petitioner had moved an application for contempt as Contempt Petition No. C-16/N.B/D.B/2012 on the allegation that the respondents had committed contempt, which has also been disposed off on 23.05.2014. Feeling aggrieved by that order, the petitioner moved an application for review of the order passed on that contempt petition which has also been disposed of on 14.10.2014. Now, the petitioner came before this Tribunal by way of fresh claim petition for the following reliefs,

“1. To issue an order or direction to the respondents to pay the compensations and cost to the petitioner along with Rs. Eighteen percent compound interest from the date it was due for financial and mental damages, given by the respondents to the petitioner after illegally and unauthorizedly detaining the financial dues of the petitioner and deliberately detaining the compliance of the Hon’ble order, passed by Hon’ble Tribunal on dated 29-08-2012 for a long time.

2. To award any other relief which the Hon'ble Tribunal may deem just and necessary in favour of the petitioner and against the respondents.”

6. From the aforesaid reliefs, it became clear that compound interest and damages have been sought for the cause of action for which the petitioner had already made the claim petition No. 24/NB/2010 Dr. Naresh Chandra Varshney Vs. State of Uttarakhand & others. The above petition was partly allowed and some reliefs were granted to the petitioner. Now, a bare and simple question arises in this claim petition whether the second claim petition for the same cause of action is maintainable or not. In this regard, the law is well settled. A litigant must claim and seek all the reliefs regarding the one cause of action in one petition. No litigant is entitled to bifurcate the reliefs and seek some reliefs in one petition and holds the some for the next round of litigation. In this regards, provision of order 2 Rule 2 of Code of Civil Procedure, 1908 is clear. Though, the provisions of Code of Civil Procedure, 1908 are not as such applicable to this Tribunal, but it has also been accepted as a general principle of law and is applicable to all the proceedings of civil nature so it becomes certain that all the reliefs regarding one cause of action must be claimed in one petition and no litigant is entitled to bifurcate the reliefs and seek some reliefs in one petition and seek rest by way of

another petition. As the petitioner had not claimed the relief for interest and damages in the earlier petition, now he is debarred from seeking these reliefs by way of second petition.

7. Under the above circumstances, we reach to the conclusion that the second petition is not maintainable regarding the cause of action for which he has already got reliefs and the order of the Tribunal has attained finality.

8. The petition is, therefore, not maintainable and is liable to be dismissed.

**ORDER**

The claim petition is dismissed as not maintainable at the stage of admission. No order as to costs.

Sd/-

**U. D. CHAUBE**  
**MEMBER (A)**

Sd/-

**V. K. MAHESHWARI**  
**VICE-CHAIRMAN (J)**

Date : 06-05-2015

Prepared by :-

Checked by :-