

PETITIONER:
THE STATE OF HARYANA & ORS.

Vs.

RESPONDENT:
RAM KUMAR MANN

DATE OF JUDGMENT: 20/02/1997

BENCH:
K. RAMASWAMY, S. SAGHIR AHMAD

ACT:

HEADNOTE:

JUDGMENT:

O R D E R

This appeal by special leave arises from the judgment of the Division Bench of the Punjab & Haryana High Court, made on 10.8.1984 in CWP No. 1154/84.

The admitted facts are the respondent, while working as a Small Pox Supervisor in the Health Department, had tendered his resignation on April 23, 1982 to contest the election as a Member of the State Legislative Assembly. His resignation was accepted on May 18, 1982. He contested the election but was defeated. Thereafter, he filed an application on May 21, 1982 withdrawing his resignation. That was dismissed. Consequently, the respondent filed the aforesaid writ petition in the High Court. The High Court observed that since three similarly situated persons had been given the same relief. Article 14 would apply only when invidious discrimination is meted out to equals and similarly circumstanced without any rational basis or relationship in that behalf. The respondent has no right, whatsoever and cannot be given the relief wrongly given to them, i.e., benefit of withdrawal of resignation. The High Court was wholly wrong in reaching the conclusion that there was invidious discrimination. If we cannot allow a wrong to perpetrate, an employee, after committing misappropriation of money, is dismissed from service and subsequently that order is withdrawn and he is reinstated into the service. Can a similar circumstanced person claim equality under Section 14 for reinstatement? Answer is obviously 'No'. In a converse case, in the first instance, one may be wrong but the wrong order cannot be the foundation for claiming equality for enforcement of the same order. As stated earlier for enforcement of the same order. As stated earlier, his right must be founded upon enforceable right to entitle him to the equality treatment for enforcement thereof. A wrong decision by the Government does not give a right decision by the Government does not give a right to enforce the wrong order and claim parity or equality. Two wrongs can never make a right. Under these circumstances, the High Court was clearly wrong in directing reinstatement of the respondent by a mandamus by a mandamus with all consequential benefits.

The appeal is accordingly allowed. But in the circumstances without costs.

JUDIS