

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

CWP No. 1631 of 2010(O&M)

Date of decision : 01.05.2015

Gopal Krishan Joshi

..... Petitioner

versus

Haryana Tourism Corporation Ltd.

and another

..... Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present: Mr. Namit Kumar, Advocate for the petitioner.

Mr. Gautam Kaile, Advocate for the respondents.

1. Whether Reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

AJAY TEWARI, J. (Oral)

CM No. 11787 of 2013

For the reasons recorded in the application, the same is allowed. The case is preponed to today. With the consent of learned counsel the matter is taken up for hearing.

CWP No.1631 of 2013

By this petition the petitioner has averred that he was appointed as an Electrician on 06.02.1984 but was not regularised. He sent legal notice dated 04.10.2008 claiming regularisation from the date persons junior to him were so regularised. By the impugned order

Annexure P-12 that claim has been rejected on the ground that since he

did not have the essential qualification of Matric with two years diploma of Electrician, his services could not be regularised (since the petitioner had two years diploma in the trade of wireman).

In the written statement also the same plea is taken.

Learned counsel for the petitioner has argued that in the first place 2 years diploma of wireman and 2 years diploma of electrician are very closely related and one other person Mahinder Singh who had the same qualification of 2 years diploma of wireman was regularised and there is no specific denial to the same. As per him having permitted the petitioner to work for a long period of 24 years it does not now lie in the mouth of the respondents to urge that the petitioner was not qualified at the time of his initial entry into service.

I find weight in the arguments of learned counsel for the petitioner.

It cannot be gain said that the 2 years diploma of wireman is closely related to 2 years diploma of electrician and that is why the petitioner was considered eligible and was selected as Electrician. Moreover, if the petitioner did not have the necessary qualification his services should have been terminated but having allowed him to continue for 24 years the respondent cannot now turn around and claim that his services cannot be regularised since he does not have the prescribed qualification.

In the circumstances the writ petition is allowed. The plea of the petitioner for grant of regularisation w.e.f. the date his immediate junior was so regularised, is accepted. The respondents are

directed to consider the claim of the petitioner for regularisation from the date his immediate junior was regularised after considering him to be eligible for the post and thereafter grant him all consequential benefits. Let the necessary exercise be done within a period of three months from the date of receipt of a certified copy of this order failing which the petitioner would be entitled to claim the monetary benefits which accrue to him from this judgment along with interest at the rate of 8% p.a. from the date/s the amount/s fell due till the date of payment.

Since the main case has been decided, the Civil Misc. Application, if any, also stands disposed of.

(AJAY TEWARI)
JUDGE

May 01, 2015
sunita