

Case No. : C. W. P.No. 14460 of 2012

Date of Decision : November 19, 2015

Khushi Ram Sharma		Petitioner
Vs.		
State of Haryana and others		Respondents

CORAM : HON'BLE MR. JUSTICE DEEPAK SIBAL.

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To be referred to Reporters or not ?

Whether the judgment should be reported in the digest ?

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Present : Mr. Anil Rathee, Advocate
for the petitioner.

Mr. Shruti Jain Goyal, AAG, Haryana.

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DEEPAK SIBAL, J. :

Through the present petition, the petitioner, who was working as a Clerk in the Education Department of the Government of Haryana, seeks regularization of his services with effect from 30.09.1988 instead of 26.03.2001.

Vide order dated 05.06.2003, the services of the petitioner were regularized with effect from 26.03.2001. The aforesaid order of regularization was passed in pursuance to the directions given by this Court on 14.02.2003 in a writ petition preferred by the petitioner being **C. W. P.**

No. 4279 of 1992 – Khushi Ram vs. State of Haryana.

According to the petitioner, the order dated 05.06.2003 regularizing the services of the petitioner with effect from 26.03.2001 was contemptuous and with that grievance, he filed **COCP No. 1233 of 2006 – Khushi Ram vs. R. S. Gujral and another**, which was disposed of vide order dated 16.07.2007 as under :-

“Vide order dated 14.2.2003, the writ petition filed by the petitioner was disposed of in terms of the judgment of Hari Singh's case i.e. CWP No. 19163 of 1997. The direction was that if the petitioner satisfies the requirement of suitability, then his services shall be regularized from the date of availability of the post. In pursuance of the said directions, an order has been passed regularizing the services of the petitioner w.e.f. 26.3.2001 i.e. the date of availability of the post, vide order dated 5.6.2003, Annexure P.1.

The grievance of the petitioner is that his services are required to be regularized from an early date. If that be so, the petitioner has the remedy to challenge the order in appropriate proceedings so as to

claim regularization from an early date.

However, it cannot be said that the order passed by this Court has not been implemented.

Consequently, the present contempt petition is dismissed with liberty to the petitioner to challenge the order passed, in appropriate proceedings.”

The order of this Court, as quoted above, clearly shows that the petitioner has been given liberty to challenge the order dated 05.06.2003. This liberty was granted to him on 16.07.2007. The present writ petition has been filed after five years of the same, without any worthwhile explanation. The petition is clearly belated and on that ground alone, deserves to be dismissed.

The aforesaid view of mine finds support from a recent judgment of this Court in **C. W. P. No. 225 of 2015 – Satyabir and others vs. State of Haryana and others**, decided on **08.01.2015**, wherein the writ petition had been filed after more than three years of the order of regularization of the services, claiming therein regularization from an earlier date. After relying upon the following judgments of the Apex Court, the writ petition is dismissed solely on the ground of delay and laches :-

1. **U. P. Jal Nigam and another v. Jaswant Singh and another – (2006) 11 SCC 464,**
2. **Rup Diamonds v. Union of India – (1989) 2 SCC 356,**

3. **State of Karnataka v. S. M. Kotrayya – (1996) 6 SCC 267,**
4. **Jagdish Lal v. State of Haryana – (1997) 6 SCC 538,**
5. **Government of West Bengal v. Tarun K. Roy – (2004) 1 SCC 347,**
6. **State of Uttaranchal and another v. Sri Shiv Charan Singh Bhandari and others – 2013 (6) SLR 629,**
7. **A. P. Steel Re-Rolling Mill Ltd. v. State of Kerala and others – (2007) 2 CC 725,**
8. **Chennai Metropolitan Water Supply and Sewerage Board and others v. T. T. Murali Babu – 2014 (4) SCC 108.**

In addition to the above, the following judgments of this Court were also followed :-

1. **CWP No. 13965 of 2010 – Tarsem Pal v. Punjab State Power Corporation Ltd. and others, decided on 29.11.2012,**
2. **CWP No. 3124 of 2011 – Harnam Singh v. State of Punjab and others, decided on 10.3.2014,**
3. **CWP No. 28508 of 2013 – Suraj Mal v. The State of Haryana and others, decided on 29.9.2014,**
4. **CWP No. 21868 of 2014 – Sanjay Kumar v. State of Haryana and others decided on 29.10.2014 and**
5. **CWP No. 9813 of 2012 – Krishan Kumar and others v. State of Haryana and others decided on 21.11.2014.**

The case of the petitioner is on a worse footing than the

petitioners in Satyabir's case (*supra*), as in that case, the delay was of

three years, when compared to the delay of five years in the case in hand.

In view of the aforesaid authoritative enunciation of law by the Apex Court, as also by this Court, the present petition filed by the petitioner deserves to be dismissed solely on the ground of delay and laches.

Dismissed.

**(DEEPAK SIBAL)
JUDGE**

November 19, 2015

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