

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

CWP No.10123 of 2015
Date of decision: 20.05.2015

Dharam Paul

... Petitioner

Versus

State of Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE ARUN PALLI

Present: Mr. Peeush Gagneja, Advocate, for the petitioner.

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?

ARUN PALLI J. (Oral)

Writ in the nature of mandamus is prayed for, so as to direct the respondents to consider the claim of the petitioner for regularization of his services being eligible in terms of the letter/instructions dated 24.05.2011 & 16.12.2011 (Annexure P2 & P3). It is averred that the petitioner is engaged as Beldar with the respondent-department on contract basis since 01.06.1994. An FIR No.66, dated 11.04.2003, under Section 302 read with Section 34 of the IPC was registered against him and vide judgment dated 23.09.2006, rendered by learned Sessions Judge, Ferozepur, he was convicted along with two others. As a result, he was dismissed from service vide order dated 13.10.2006. However, in an appeal filed before this court i.e. Criminal Appeal No.806-DB of 2006, he was acquitted of all the charges vide a

judgment dated 04.02.2009. Eventually, he was reinstated vide letter of appointment dated 06.02.2013 (Annexure P1). It is maintained that service of all those employees, who were engaged on contract basis, on completion of 10 years of service were regularized including the Beldars working in the respondent-department vide letter dated 16.12.2011 (Annexure P3). That being so, the petitioner also represented to the Executive Engineer, Punjab, W/S and Sewerage Division, Abohar, vide representation dated 28.03.2014 (Annexure P4). Particularly, when services of those were identically placed as the petitioner, were regularized.

Learned counsel for the petitioner submits that despite lapse of considerable time, the claim of the petitioner continues to await consideration at the instance of respondent No.3 and thus, the inaction at the instance of the authorities (respondent No.3) is writ large. He submits that let this petition be disposed of only with a direction to respondent No.3, to consider and decide the representation (Annexure P4), submitted by the petitioner, within a specified time.

That being so, and without expressing any opinion on merits, this petition is disposed of only with a direction to respondent No.3, to consider and decide the claim of the petitioner, as set out in his representation dated 28.03.2014 (Annexure P4), strictly in accordance with law, within a period of 3 months from the receipt of certified copy of this order.

Though, needless to assert, a comprehensive order shall be passed, assigning reasons in support of the decision arrived at.

May 20, 2015
Rajan

(Arun Palli)
Judge