

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

CWP No.19018 of 2015

Date of Decision: 10.09.2015

Malkhan Singh

... Petitioner

Versus

State of Punjab & ors.

... Respondents

CORAM:- HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr. Harnek Singh, Advocate,
for the petitioner.

1. To be referred to the Reporters or not? .
2. Whether the judgment should be reported in the Digest?

RAJIV NARAIN RAINA, J.(Oral)

There appears to be no error in the order dated October 3, 2012 passed by the Field Director, M.C. Zoological Park, Chhatbir, Punjab, against which the present petition has been filed invoking certiorari jurisdiction under Article 226 of the Constitution of India. The petition has been filed after an unexplained delay of about three years in approaching Court.

Having regard to the reasons assigned in the impugned order, no interference is called for as seriously disputed questions of fact are involved on the issue of the petitioner's identity. It has been noted that as per official record, the name of Malkhan Singh son of Chet Ram figured at Sr. No.85 of the seniority list and not the name of the petitioner, who is Malkhan Singh son of Maghi Ram. Moreover, this issue was considered by this Court in CWP No.15090 of 2007 filed by the petitioner, which was dismissed. The petitioner had filed another CWP No.4713 of 2009 claiming identical relief, which was also dismissed. Thereafter, the

petitioner had approached this Court once again in CWP No.11835 of 2012, which was disposed of on July 2, 2012 with a direction to the respondents to consider the representation of the petitioner whether his services as a daily wager should be taken into account for regularizing his services on the basis of memo dated September 29, 2009 whereby the State had granted the benefit of regularization to those daily wagers who have completed 10 years of service as on December, 2006 formalizing a one-time policy regularizing services of all those who have completed 10 years or more service in terms of para 53 in **State of Karnataka & ors. vs. Uma Devi**, (2006) 4 SCC 1.

In the opinion of this court no accrued or vested rights flow to the petitioner in light of the directions issued on July 2, 2012 in CWP No.11835 of 2012. Besides, to make things even more complex, the petitioner had once sought a reference to the labour court against termination of his services and the dispute came to be referred by the Additional Labour Commissioner and registered as Reference No.509 of 1997. The same was decided on March 15, 2002 before the Labour Lok Adalat. The petitioner made a statement before the Lok Adalat that he had been taken back in service by the management and he was taken back on duty since January 28, 2002 and consequently, the reference was dismissed as not pressed.

The chequered litigation history of the case does not justify interference in the discretionary writ jurisdiction of this Court provided under Article 226 of the Constitution of India. Besides, the writ court is not an appropriate forum to decide or resolve disputed questions of fact in affidavit jurisdiction to establish the identity of a person and to this

end the petitioner would be at liberty to take recourse to other remedies, if available and if advised, in accordance with law.

For the foregoing reasons, I find no valid reason to interfere in the matter and dismiss the writ petition.

(RAJIV NARAIN RAINA)
JUDGE

10.09.2015
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