

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

LPA No. 755 of 2015

DATE OF DECISION : 15.05.2015

Satyabir and others

.... APPELLANTS

Versus

State of Haryana and others

.... RESPONDENTS

CORAM :- HON'BLE MR. JUSTICE SATISH KUMAR MITTAL

HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

Present : Mr. Ram Niwas Sharma, Advocate,  
for the appellants.

\* \* \*

**SATISH KUMAR MITTAL, J.** ( Oral )

This intra-court appeal under Clause X of the Letters Patent has been filed against the order dated 08.01.2015 passed by the learned Single Judge, whereby the writ petition (CWP No. 225 of 2015) filed by the appellants seeking quashing of the order dated 25.10.2011 (Annexure P-9), vide which their services were regularised with effect from 29.07.2011 in terms of the policy dated 29.07.2011, with a further direction to the respondents to consider their claim for regularization in view of the policy dated 28.07.1994 or policy dated 01.10.2003, has been dismissed, while observing as under :

*“After hearing learned counsel for the petitioners and perusing the paper book, I do not find any merit in the*

*submissions made. It is not in dispute that the services of the petitioners were regularised with effect from 29.7.2011 vide order dated 25.10.2011. As their services were regularised in the year 2011, they felt satisfied. However, after more than three years of regularisation of their services, they filed the present writ petition on 7.1.2015, claiming regularisation in terms of policies dated 28.7.1994 or 1.10.2003, which is highly belated.*

*The issue regarding delay in invoking extra-ordinary jurisdiction was considered by Hon'ble the Supreme Court in **U. P. Jal Nigam and another v. Jaswant Singh and another**, (2006) 11 SCC 464. It was a case in which certain employees raised the issue that they were not liable to be retired at the age of 58 years but should be permitted to continue in service till they attain the age of 60 years. They were still in service when the writ petitions were filed. The writ petitions were ultimately allowed. Placing reliance upon that judgment, some of the employees, who already stood retired, filed writ petitions claiming same benefit. The writ petitions were allowed by the High Court in terms of its earlier judgment. The judgment of the High Court was impugned before Hon'ble the Supreme Court, wherein while referring to earlier judgments of Hon'ble the Supreme Court in **Rup Diamonds v. Union of India**, (1989) 2 SCC 356; **State of Karnataka v. S. M. Kotrayya**, (1996) 6 SCC 267; **Jagdish Lal v. State of Haryana**, (1997) 6 SCC 538 and **Government of West Bengal v. Tarun K. Roy**, (2004) 1 SCC 347, it was opined that the persons who approach the court at a belated stage placing reliance upon an order passed in some other case earlier, can be denied the discretionary relief on account of delay and laches.”*

Though there is delay of 90 days in filing the instant appeal, and the appellants have filed an application (CM No. 1560-LPA of 2015) for condoning the said delay, yet we have heard learned counsel for the appellants on merits and have gone through the order passed by the learned Single Judge.

After hearing learned counsel for the appellants, we do not find any ground to interfere with the impugned order. Learned counsel for the appellants has not disputed the fact that when the policy dated 29.07.2011 came into existence, the earlier policy was not existing. Claim of the appellants was considered under the said policy and vide order dated 25.10.2011, they were regularized with effect from 29.07.2011, the date of the policy. Contention of the appellants that they are entitled for regularization under the policy dated 01.10.2003 is not sustainable, because this policy was withdrawn in the year 2007, therefore, on the day of regularisation of the appellants, the said policy was not in existence and the appellants were rightly regularised under the new policy dated 29.07.2011. The letter dated 20.06.2014 (Annexure P-10) with regard to regularisation of Group C and Group D employees, who were left over from regularisation under the earlier policies, including the policy dated 01.10.2003, relied upon by the appellants, cannot help them because their services have already been regularized and they cannot be said to be left over employees from regularization. In view of these facts, even on merits, the appellants have no

case regarding their regularization in terms of the earlier policy.

No merit. Dismissed.

**( SATISH KUMAR MITTAL )**  
**JUDGE**

**May 15, 2015**  
ndj

**( HARINDER SINGH SIDHU )**  
**JUDGE**