

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

CWP No.12300 of 2016

Date of decision: 4.7.2016

Om Parkash

... Petitioner

Versus

State of Haryana & ors.

... Respondents

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

Present: Mr. Sandeep Parkash Chahar, 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)

1. Services of the petitioner were terminated in November, 1999. He approached this Court for the first time in CWP No.16583 of 1999 in which the following order was passed on February 20, 2002:-

“We dispose of this writ petition with the direction to the respondents to consider the case of the petitioner in the light of the instructions dated June 13, 2000, Annexure P-7, issued by the Government of Haryana as it is admitted by the petitioner that he was relieved from services after the filing of the writ petition.

The respondents shall duly consider this fact that the matter was pending before the Court. However, disposing of this petition would in no way attribute to the action of the respondents.”

2. The department passed an order dated October 18, 2004 in the wake of the orders passed by this Court which is at Annex P-5

assigning reasons why the services of the petitioner could not be regularized since there was no Class IV sanctioned vacant post. The petitioner has been out of service for 16 years and claims re-induction in Government service by virtue of instructions dated June 13, 2000 which withdrew the letters of termination of part timers who were relieved in view of the earlier policy letter and that they should be taken back in service in accordance with law. The instructions are at Annex P-3. The mere assertion of right will not bring the desired relief when the petition suffers from enormous delay and laches and the situation will not be saved merely on account of the fact that today a sanctioned Class IV post exists and is available for filling up. There is no provision like Section 25H of the Industrial Disputes Act, 1947 in service law from where he may claim reinstatement. The petitioner has been content in not litigating for his perceived rights till the filing of this petition, other than his approach in 1999, which was a long time ago. Admittedly, he was a part time employee and at this distance of time it is not possible for this Court to issue mandamus to the respondents to reappoint the petitioner with full back wages and to regularize him w.e.f. 1.3.1999 or to even mould relief in his favour. Limitations for relief as against the cause of action have expired which cannot be remedied in law.

3. Interference is not warranted. Dismissed.

(RAJIV NARAIN RAINA)
JUDGE

4.7.2016
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