

**Sr. No. 117
IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

**CWP No.16100 of 2016 (O&M)
Date of Decision: 10.08.2016**

Sanjay Kumar

... Petitioner

Versus

State of Haryana and others

... Respondents

CORAM:- HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

Present:- Mr. Ram Niwas Sharma, Advocate,
for the petitioner.

TEJINDER SINGH DHINDSA, J.(ORAL)

Pleadings on record would indicate that the petitioner was appointed as a Typist on daily wage basis under the Irrigation and Water Resources Department on 11.09.1997. He worked continuously till 31.05.2004 but was not permitted to join duties thereafter.

Upon an industrial dispute having been raised, award was rendered by the Presiding Officer of the Labour Court dated 21.03.2012 (Annexure P-1) holding the petitioner entitled to reinstatement with continuity of service and 50% backwages from the date of demand notice.

Counsel submits that the award in favour of the petitioner has attained finality inasmuch as the Civil Writ Petition as also LPA filed by the respondent Department impugning the award has been dismissed.

Claim in the instant petition is for consideration of grant of benefit of regularization under the policy dated 01.10.2003. In support of such, reliance has been placed upon judgment dated 23.02.2015 passed by this Court in CWP No.18246 of 2012 titled as Umrao Singh and another Vs. State of Haryana and another (Annexure P-10). Counsel further apprises

the Court that even though the regularization policy dated 01.10.2003 had been withdrawn vide Notification dated 13.04.2007 but there has been a development thereafter inasmuch as vide order dated 20.06.2014 at Annexure P-9 even the Notification dated 13.04.2007 stands withdrawn.

It is argued that under such circumstances, there would be no impediment in granting to the petitioner the benefit of regularization as he would be covered under the regularization policy dated 01.10.2003.

In view of the above and without making any observations on merit, the instant petition is disposed of with the directions to respondent No.2 to consider the claim of the petitioner and decide the legal notice dated 21.08.2015 (Annexure P-8) strictly in accordance with law within a period of four months from the date of receipt of a certified copy of this order.

Disposed of.

10.08.2016

vandana

**(TEJINDER SINGH DHINDSA)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No