

**Sr. No.132
IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

**CWP No.16988 of 2016 (O&M)
Date of Decision: 22.08.2016**

Krishan Kumar

... Petitioner

Versus

State of Haryana and others

... Respondents

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

Present:- Mr. D.R.Kaith, Advocate,
for the petitioner.

TEJINDER SINGH DHINDSA, J.

Pleadings on record would indicate that the petitioner was engaged as a Driver on temporary basis with the Haryana Roadways on 09.12.1993. His services were terminated in the year 1994. Similarly situated workmen having been reinstated, petitioner filed a demand notice seeking reinstatement in service in the year 2008. Placed on record and appended as Annexure P-4 along with the petition is a settlement of the dispute under the Industrial Disputes Act between the petitioner (workman) and the General Manager, Haryana Roadways, Kaithal dated 26.11.2008 and in terms of which it was settled and agreed that the petitioner would be reinstated in service forthwith along with continuity in service. Petitioner agreed to forego the entire arrears for the period that he was out of service. It was also settled that service of the petitioner would otherwise be deemed as regular w.e.f. 09.12.1993 i.e. the date of initial engagement on temporary basis. The claim set forth in the instant petition is for grant of pay fixation on a notional basis by taking his initial date of appointment as 09.12.1993 as also to consider his claim for grant of benefit of regularization in service

under the various policies issued by the State Government on the subject.

It is also the contention raised by the counsel that number of other drivers who were similarly situated and had been appointed subsequent to the petitioner have been granted the benefit of regularization.

Without making any observations on merits and without even going into the correctness of the averments made in the petition, I deem it appropriate to dispose of the petition with the directions to respondent No.2 to consider the claim of the petitioner in the light of a legal notice dated 09.05.2016 at Annexure P-6 that is stated to have already been served strictly in accordance with law and by passing a speaking order within a period of four months from the date of receipt of a certified copy of this order.

Disposed of.

22.08.2016

vandana

(TEJINDER SINGH DHINDSA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No