

**Sr. No. 106
IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

**CWP No.17416 of 2016 (O&M)
Date of Decision: 01.09.2016**

Sushil Kumar

... Petitioner

Versus

The State of Haryana and others

... Respondents

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

Present:- Mr. Dharamveer Phour, Advocate,
for the petitioner.

TEJINDER SINGH DHINDSA, J. (ORAL)

Claim in the petition is seeking benefit of regularization in service.

Pleadings on record would indicate that the petitioner was engaged as PR Chowkidar on daily wage basis in the Department of Food and Supplies, State of Haryana on 20.06.2000. State of Haryana framed a Policy in the year 2003 on the subject of grant of benefit of regularization. Petitioner on 15.03.2004 along with three other persons similarly situated served a notice seeking benefit of regularization under the 2003 Policy. Without taking any decision on the legal notice, services of the petitioner as also the other similarly situated employees were disengaged on 06.08.2004.

Industrial dispute having been raised, award was rendered by the Labour Court on 19.03.2012 holding the petitioner to be entitled to reinstatement with continuity of service along with 25% back wages. Similar awards were passed by the Labour Court even in the case of other three identically situated employees.

In the case of one Sushil Kumar, who was identically situated, a writ petition was preferred by the respondent Department impugning the award and the same was dismissed by this Court on 29.01.2013. Merely 08 days thereafter i.e. 08.02.2013, the order was passed at Annexure P-4 granting to Sushil Kumar the benefit of regularization.

CWP No.20078 of 2012 filed by the Department impugning the award of the Labour Court in favour of the present petitioner was also dismissed on 02.12.2014 by this Court at Annexure P-6.

Petitioner is aggrieved of the action of the respondent Department of such highhandedness and arbitrary action of not treating the petitioner in a similar manner and denying to him benefit of regularization without any justifiable basis.

In the light of facts noticed hereinabove, I deem it appropriate to dispose of the instant petition with a direction to respondent No.3 to consider the claim of the petitioner and to take a final decision on the legal notice dated 15.03.2016 (Annexure P-11) that is stated to have already been served by passing a well reasoned speaking order within a period of 03 months from the date of receipt of a certified copy of this order.

Disposed of.

01.09.2016

vandana

(TEJINDER SINGH DHINDSA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No