

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.19251 of 2016

Date of decision:19.9.2016

Ranbir Singh & ors.

... Petitioners

Versus

State of Haryana & ors.

... Respondents

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

Present: Mr. Sharad Aggarwal, Advocate,
for the petitioners.

RAJIV NARAIN RAINA, J.(Oral)

The petitioners claim that they have been working since 1993 on the posts of conductor on ad hoc basis till their services were regularized. Two of them on August 25, 1998 and the third on February 3, 1999 were regularized. They claim that their services should be regularized w.e.f. April 25, 1995 and January 3, 1996 respectively as Conductors in Haryana Roadways. Three of the present petitioners approached this Court in CWP No.6713 of 2001 after serving a legal notice dated February 25, 2002 on the respondents. The Division Bench of this Court vide order dated May 27, 2002 (at pg. 32) disposed of the writ petition with a direction to the respondents to consider the case of the petitioners in the light of the judgment passed by the Division Bench of this court dated August 12, 1998, the text of which was placed at Annex P-5 and to pass appropriate orders thereon in accordance with law. An order was passed on December 17, 2002 rejecting the claim for regularization w.e.f 1995. The reason for rejection was that disciplinary proceedings were pending against the official and therefore, the services could not be regularized. Ranbir Singh (petitioner No.1) had remained

absent from duty on different dates mentioned in the order and many fraud cases were also pending against him while serving in Delhi Depot of the Haryana Roadways. Only when the doubts were cleared that Ranbir Singh was regularized on February 3, 1999. Similar was the case with petitioner No.2-Kuldeep Singh. It is urged that the impugned order has not mentioned the status of the 3rd petitioner.

The petitioners have not approached Court at any time before filing of the petition for a correction of the perceived error in the impugned order dated December 17, 2002. As a matter of fact, the order has not been passed qua the 3rd petitioner since it is manifestly silent on his case. It is not even clear from the record placed on the file whether the 3rd petitioner Raj Kumar had served a legal notice independently or with Ranbir Singh and Kuldeep Singh when the previous writ was filed. In any case, there is no explanation of this in the petition except to complain at the oral hearing that in the impugned order petitioner- Raj Kumar has been forgotten. It is 14 years from the date of passing of that order and the absence of any explanation for the delay and laches involved in this petition. Even passed on the directions in LPA No. 866 of 2002 decided on September 7, 2005 in the case of some other persons, copy of which order attached at Annex P-3, this petition is nothing more than a shot in the dark and is hopelessly barred by time measured in case a civil suit was brought for the same relief. As a writ petition, there is inordinate delay and laches. Besides, it is frivolous litigation brought in a half baked petition expecting magic to happen.

The petition stands dismissed with ₹ 15,000/- as costs to be

shared equally and paid by the petitioners to the Mediation & Conciliation Centre attached to this Court with costs recoverable as arrears of land revenue in case of default of payment within three months.

(RAJIV NARAIN RAINA)
JUDGE

19.09.2016
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<i>Whether speaking/reasoned</i>	<i>Yes</i>
<i>Whether reportable</i>	<i>No</i>