

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No. 4889 of 2014
Date of Decision:- 11.02.2016

Krishan Kumar

....Petitioner

Versus

Managing Director and others

....Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. S.S. Sahu, Advocate, for the petitioner.

Mr. Devender Singh, Advocate, for respondent No.1.

RITU BAHRI, J. (Oral)

Petitioner is seeking directions to the respondents to consider and decide the representation dated 18.10.2013 (Annexure P.-2), vide which he has claimed the benefits of continuity of services and increments for the period he remained on Adhoc basis till date of rejoining in pay fixation i.e. 21.05.1985 to 27.09.1988.

The petitioner has referred the case of similar situated person, namely, Rang Lal, who have filed civil suit claiming same benefit has been decreed by the learned civil Court, vide order dated 16.11.2010 (Annexure P-3). Thereafter, the same has been upheld by this Court, vide order dated 06.09.2012 (Anenxure P-4). Accordingly, respondent No.1 has granted the benefit of pay fixation, vide order dated 20.02.2013 (Annexure P-5).

Learned counsel for the petitioner submits that the petitioner has joined as Clerk on adhoc basis on 27.05.1985 and his services were regularized on 04.06.1986. Later on, without issuing notice to the petitioner and other similar situated persons including Rang Lal, the appointment letters were withdrawn. They had filed CWP No.320 of 1987 and thereafter they were retained on the statement made on behalf of the Bank and at the time when the written statement has been filed, the petitioner was still in service.

Respondent No.1 in the written statement has not disputed the fact that directions given in the case of Rang Lal, vide order dated 06.09.2012 (Annexure P-4), by this Court, has been implemented, vide order dated 20.02.2013 (Annexure P-5). Respondent No.1 had further admitted that the petitioner was appointed as Clerk on Adhoc basis on 27.05.1985 and his services were regularized on 04.06.1986. Thereafter, the stand taken by respondent No.1 that the present petition is liable to be dismissed on the ground of delay and laches.

The issue in question is squarely covered by the above-said judgment (Annexure P-4). Accordingly, the writ petition is allowed and direction is given to the respondent(s) to consider the claim of Adhoc services from 27.05.1985 for the purpose of claiming of retiral benefits, within a period of three months.

February 11, 2016
naresh.k

(**RITU BAHRI**)
JUDGE