

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Case No. : C. W. P.No. 4588 of 2016

Date of Decision : March 10, 2016

Rajiv Kaushal and others Petitioners

vs.

State of Haryana and others Respondents

CORAM : HON'BLE MR. JUSTICE DEEPAK SIBAL.

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To be referred to Reporters or not ?

Whether the judgment should be reported in the digest ?

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Present : Mr. Neeraj Sharma, Advocate
for the petitioners.

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DEEPAK SIBAL, J. :

Through the present petition, the petitioners, who are serving as Beldars, seek quashing of order dated 11.11.2014 (Annexure P-6), through which, their claim for regularization of their services w.e.f. 01.10.1988 instead of 31.03.1993, has been rejected.

It is the admitted position that the petitioners had sought regularization of their services w.e.f. 01.10.1988 instead of 31.03.1993 for the first time through legal notice dated 06.09.2014. The cause of action to seek regularization from an earlier date accrued in the case of the petitioners on 31.03.1993, on which date their services were regularized with

prospective effect. In case, they sought regularization of their services with effect from an earlier date, they should have then and there taken up the issue and not accepted the same without any protest whatsoever. The issue cannot be allowed to be raked up after over 21 years, especially when there is no explanation for the delay on their part.

The present petition is clearly grossly belated and thus, requires to be rejected on this ground alone.

The view expressed by me finds support from the recent judgment of this Court in **CWP No.225 of 2015** titled as **Satyabir and others Vs. State of Haryana and others**, decided on **08.01.2015** wherein this Court while considering a similar issue and after referring to several judgments of the Apex Court as also this Court on the subject of delay, dismissed the petition which had been filed seeking regularization of services with effect from an earlier date after a delay of more than 03 years by holding as under :-

“After hearing learned counsel for the petitioners and perusing the paper book, I do not find any merit in the submissions made. It is not in dispute that the services of the petitioners were regularised with effect from 29.7.2011. As their services were regularised in the year 2011, they felt satisfied. However, after more than three years of regularisation of their services, they filed the present writ petition on 7.1.2015, claiming regularisation in terms of policies dated 28.7.1994 or 1.10.2003, which is highly belated.”

In view of the aforesaid facts and the settled position of law,
the present petition is dismissed on the ground of delay and latches.

No costs.

(DEEPAK SIBAL)
JUDGE

March 10, 2016
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