

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

C.W.P No. 922 of 2016

Date of decision : 18.01.2016

Raj Kumar

....Petitioner

versus

State of Haryana & others

..Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Sandeep Goyat, Advocate
for the petitioner.

RITU BAHRI , J. (Oral)

Issue notice of motion.

On asking of the Court, Mr. Samarvir Singh, DAG, Haryana accepts notice on behalf of the State. Learned counsel for the petitioner is directed to supply copy of the petition to the learned State counsel by today itself during the course of the day.

The petitioner is seeking regularization of his services, according to policy decision regarding the regularization of Group-C and D employees working on the daily wages in State of Haryana vide policy dated 01.10.2003 and 10.02.2004 (P-4 and P-5), as this benefit has been granted to similarly situated employees/junior to the petitioner.

The service of the petitioner was terminated on 31.07.2000 and the same was challenged before the Labour Court and the Labour Court vide order dated 17.03.2008 granted the petitioner benefit of reinstatement with continuity in service and 50% back wages. The award dated 17.03.2008 was challenged by the department and this Court modified the award to the effect that the benefit of reinstatement and back wages are taken back and the petitioner was awarded a lump sum compensation of Rs.70,000/-. The petitioner then filed SLP before the Hon'ble Supreme Court against the judgment of this Court and vide judgment dated 31.10.2014, SLP was allowed with a direction to the department that the service of the petitioner shall not be disturbed except in due course of law and he be awarded a sum amount of Rs.1,00,000/- in the form of backwages.

The precise prayer of the petitioner is that he be considered to be in continuous service since 01.11.1993, in view of the decision passed by the Labour Court and the order/judgment of the Hon'ble Supreme Court. The juniors to the petitioner have been retained in service and their services have been regularized w.e.f 01.10.2003.

The petitioner has submitted legal notice dated 25.08.2015 (P-7) in this regard, but no decision has been taken thereon.

Learned counsel for the petitioner states, that at this stage, the petitioner will be satisfied, if directions are issued to respondents to

decide the legal notice, referred to above.

In view of above, without commenting on the merits of the case, this petition is disposed of with a direction to respondents to consider and decide the legal notice dated 25.08.2015 (P-7) of the petitioner by passing a speaking order expeditiously, in accordance with law, preferably, within a period of three months from the date of receipt of certified copy of this order.

(RITU BAHRI)
JUDGE

18.01.2016

G Arora