

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

Sr. No. 110

CWP-9360-2016

Decided on : 13.05.2016

Zile Singh

..... Petitioner

VERSUS

The State of Haryana and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr.R.N.Lohan, Advocate, for the petitioner.

DEEPAK SIBAL, J. (ORAL)

Through the present petition, the petitioner who serves the Haryana Roadways as a Driver, seeks regularisation of his services w.e.f. 22.08.1994 instead of 01.06.1998 i.e. the date from which his services have been regularised.

The relevant facts which need to be noticed for adjudicating upon the issue raised in the present petition, are that on 22.12.1993 the petitioner was appointed as a Driver in the Haryana Roadways on contractual basis and thereafter his services were extended from time to time. Through order dated 01.06.1998 his services were regularised and such order of regularisation was to come into effect from the date of the passing of the order. After 17 years the petitioner woke up from his slumber and relying on instructions of the Government dated 19.02.1979

(Annexure P-3) got sent a legal notice to the respondents through which

he sought regularisation of his services w.e.f. 22.08.1994 instead of 01.06.1998. Having received no response to the legal notice, the present petition has been filed for the relief as mentioned above.

A perusal of the order dated 01.06.1998, through which the petitioner's services had been regularised, shows that the same was to come into effect from the date of passing of that order. Admittedly, the petitioner accepted the same without any protest and woke up only after 17 years when he got served upon the respondents a legal notice, through which he sought regularisation of his services w.e.f. 22.08.1994 instead of 01.06.1998. No explanation for the delay on his part is forthcoming either from the pleadings in the petition or from the arguments raised at the bar.

The petitioner relies upon instructions of the Government dated 19.02.1979, which were very much in existence on the date when the order of his regularisation dated 01.06.1998 was passed.

The petitioner further relies upon an order dated 01.10.2012 a perusal of which shows that the same was passed by the Government in the case of employees who had approached this Court in the year 2009. The present petition has been filed even 7 years thereafter.

The unexplained and unjustifiable delay of 17 years certainly brings the petitioner's case within the definition of a "stale claim" on which I am not inclined to adjudicate upon in the exercise of jurisdiction under Article 226 of the Constitution of India.

Dismissed.

13.05.2016

[DEEPAK SIBAL]
JUDGE