

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

LPA No.1662 of 2015 (O&M)

Date of Decision: 31.08.2016

Sukhbir Singh and others

..... Appellants

Versus

State of Haryana and others

..... Respondents

**CORAM: HONBLE MR. JUSTICE SURYA KANT
HONBLE MR. JUSTICE SUDIP AHLUWALIA**

1. Whether speaking/reasoned? Yes/No
2. Whether reportable? Yes/No
3. Whether Reporters of local papers may be allowed to see the judgment? Yes/No
4. To be referred to the Reporters or not? Yes/No
5. Whether the judgment should be reported in the Digest? Yes/No

Present: Mr. S.K. Verma, Advocate,
for the appellants.

Mr. R.D. Sharma, DAG, Haryana.

SURYA KANT J. (ORAL)

1. The question that arose for consideration of the learned Single Judge was whether the claim put-forth by the appellants by way of a writ petition filed in the year 2015 was suffering with inordinate delay and laches and was liable to be rejected on that ground?

2. The aforesaid question having been answered against the appellants. Admittedly, the appellants joined the Transport Department as Ticket Verifiers on daily wage basis in the year 1981-82. Their services were dispensed with on 13.02.1982 against which they raised industrial dispute, which was answered in their favour. Resultantly, they were re-instated on different dates in the year 1987-88.

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Their services were regularized w.e.f. 01.04.1993 under a

Government policy. The appellants continued to serve on regular basis and in the year 2012, they filed writ petition claiming that they were entitled to seek regularization on completion of 240 days service as per the old Government policy dated 19.02.1979. The writ petition was disposed of with a direction to the Authority to examine and decide their claim. The competent authority rejected such claim vide order dated 11.12.2014 (P-9).

4. Still aggrieved, the appellants filed another writ petition in the year 2015, which has been dismissed by learned Single Judge on the ground of delay and laches.

5. We have heard learned counsel for the parties and gone through the record. There is no denial to the fact that after regularization of their services w.e.f. 01.04.1993, the appellants woke up first time in the year 2012 and raised claim for retrospective regularization. The said claim was based upon a decision of this Court dated 19.12.2011 rendered in the case of Jaimal Singh and others Vs. State of Haryana and another (CWP No.6135 of 1998) where this Court directed the State Government to identify the Depot-wise requirement of post of Ticket Verifiers and sanction the requisite posts so that their services could be regularized. The State Government undertook such exercise and the writ-petitioners in that case were made regular w.e.f. 01.04.1987.

6. It is in the light of these facts that the appellants also wanted the dates of regularization of their services to be antedated.

7. The fact that the appellants took no steps to claim the benefit of Government policy of 1979 for over 12 years is not in dispute. They cannot take the benefit of Jaimal Singh's case (supra) as the writ petitioners in that case had approached this Court in the year 1998 while the appellants

remained fence-sitters. Even as per *Jaimal Singh's case*, there was no cut-off date for the purpose of regularization of services. Much was to depend upon as to how many posts were sanctioned in a depot. All the writ petitioners of that case were not made regular w.e.f. 01.04.1987.

8. Assuming that the appellants are similarly placed yet they lost their right as neither such claim was put up before the competent authority nor they approached any other forum within a reasonable period. In this view of the matter, the rejection of their claim by learned Single Judge on the ground of delay and laches calls for no interference by this Court.

9. Dismissed.

**(SURYA KANT)
JUDGE**

31.08.2016
Bhumika

**(SUDIP AHLUWALIA)
JUDGE**