

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

RSA No.3880 of 2012 (O&M)
Date of Decision:- 31.08.2016.

Zira Cooperative Sugar Mills Ltd. and another

.....Petitioners

Versus

Sulakhan Singh and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE P.B. BAJANTHRI

Present: Mr. Vikas Singh, Advocate for the petitioners.

Mr. Vinod Khunger, Advocate for respondent No.1.

P.B. BAJANTHRI, J. (Oral)

1.) In the present case, petitioners have assailed the order of the Trial Court dated 30.9.2008 and the Appellate Court order dated 9.4.2012. The respondents were appointed on *ad hoc* basis as Cane Surveyors (on seasonal basis). Their services were regularized against the post of Cane Surveyors. Similarly situated Cane Surveyors who were working on seasonal basis claimed that they are also entitled for regularization on par with the respondents herein. Decision has been given that the respondents' regularization was not in accordance with procedure. Thus, the appellants have taken a decision to issue show cause notice to the respondents as to why their regularization cannot be cancelled. Such show cause notice was subject matter before the Trial Court. Trial Court as well as Appellate Court

held that show cause notices issued to the respondents are void. In the

meanwhile, on 25.11.1998 final order has been passed cancelling the regularization of the respondents. The respondents have not amended the suit or appeal challenging the final order dated 25.11.1998. Even to this day, they have not challenged the final order. The respondents had a fresh cause of action in respect of cancellation of their regularization on 25.11.1998. The same has not been questioned in the Court of Law. In view of the final order dated 25.11.1998, the Trial Court as well Appellate Court orders are liable to be set aside. Accordingly, they are set aside.

2.) Appeal is allowed. However, if the respondents intend to challenge the final order dated 25.11.1998 and necessary application for condonation for delay is filed, the same shall be considered sympathetically since the respondents were before the Court of law, during the period from 1998 to this day.

(P.B. BAJANTHRI)
JUDGE

August 31, 2016.
sandeep sethi

Whether speaking/reasoned:-

Yes / No

Whether Reportable:-

Yes / No.