

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

LPA-817-2016 (O&M)

Date of Decision: September 05, 2016

Raj Pal

.....Appellant

Versus

Haryana Urban Development Authority and others

.....Respondents

**CORAM: HON'BLE MR.JUSTICE SURYA KANT
HON'BLE MR. JUSTICE SUDIP AHLUWALIA**

Present: Mr.Y.P.Malik, Advocate
for the appellant

.....

SURYA KANT, J.

Though the learned Single Judge has vide order under appeal accepted the appellant's claim for regularisation of his services w.e.f. 01.10.2003 in terms of the Government Policy but has in exercise of discretionary writ jurisdiction declined to grant him full wages payable to a regular employee. The aggrieved appellant is before us in this intra-Court Appeal to claim such arrears of pay.

We have heard learned counsel for the appellant and gone through the record.

It is undeniable that the appellant was engaged on daily wages and was retrenched from service in the year 1997. He raised an industrial dispute which was answered in his favour on 03.01.2005 and consequently he was reinstated with 50% back wages. Thereafter he filed the instant writ petition claiming regularisation of his services as meanwhile the State

Government had issued a policy where-under daily-wagers like him were brought on regular establishment. It is in this backdrop that the learned Single Judge has, and in our considered view rightly so, declined the back wages. Once the appellant was not in actual service and the Labour Court has compensated him with 50% back wages, there would have been no justification for grant of full salary while he was sitting at home.

No case to interfere with the order under appeal is made out.

Dismissed.

Since the main appeal is decided on merits, no separate order is required to be passed on the application for condonation of delay of 5 days in filing the appeal.

**(SURYA KANT)
JUDGE**

September 05, 2016
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**(SUDIP AHLUWALIA)
JUDGE**

Whether speaking/reasoned
Whether Reportable

: Yes/No
: Yes/No