

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

**COCP No. 2383 of 2016 (O&M) in
CWP No. 15097 of 2013
Date of Decision: 22.02.2017**

Rajinder Kumar

..... Petitioner

Versus

Shri Vijay Yadav, Deputy Excise and Taxation
Commissioner (Sales Tax), Sonipat (Haryana)

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: Mr. Jaspal Singh Maanipur, Advocate
for the petitioner.

Mr. Pravindra Singh Chauhan, Additional Advocate General, Haryana
for the respondent.

JASWANT SINGH, J. (ORAL)

Petitioner-Rajinder Kumar was engaged on daily wage basis as Peon (Class-IV) on 13.07.1994 in the office of Deputy Excise Taxation Commissioner, Sonipat. His services were, allegedly illegally terminated on 27.11.1998. On the reference raised, the Labour Court vide award dated 02.03.2006 reinstated the petitioner with continuity of service and full back wages from the date of demand notice i.e. 17.07.2003. The Excise and Taxation Department filed writ petition bearing CWP No. 9885 of 2006, challenging the said award dated 02.03.2006. The said writ petition, filed by the Department, was partly allowed on 27.03.2008 and the order of reinstatement was set aside and substituted by the award of *lump sum* compensation of Rs. 25,000/- (Twenty Five Thousand only). The petitioner

approached the Hon'ble Supreme Court against the order dated 27.03.2008 and vide judgment dated 25.08.2010, he was directed to be reinstated with continuity of service, but without back wages. Thereafter, the petitioner was reinstated with the Department of Excise and Taxation, Haryana on 07.12.2010.

The petitioner filed writ petition bearing CWP No. 7241 of 2013, seeking regularization of his services with effect from the date of his juniors were regularized in Excise and Taxation Department in terms of the Regularization Policy dated 01.10.2003. The said writ petition was disposed of vide order dated 05.04.2013, directing the said Department to decide his claim by passing a speaking order. The claim for regularization was rejected vide order dated 05.07.2013, leading to the petitioner filing another writ petition bearing CWP No. 15097 of 2013, which was allowed vide order dated 14.05.2015 (**Annexure P-1**), directing the Excise and Taxation Department, Haryana, to regularize the services of the petitioner with effect from the date of his juniors were regularized with all consequential benefits.

It transpires that the petitioner was selected by the Haryana Staff Selection Commission (for short 'HSSC') for appointment as Driver (Class-III) against 211 posts advertised for various departments and appointed by way of direct recruitment on 21.08.2013 with the Department of Horticulture, Haryana.

In compliance of the directions passed on 14.05.2015, an order dated 11.07.2016 (**Annexure P-5**) has been passed by the Deputy Excise and Taxation Commissioner (Sales Tax), Sonipat, regularizing the services of the petitioner w.e.f. 15.03.1999 i.e. the date of his junior

Ashwani Kumar, Peon, was regularized till 20.08.2013 when he left the Department to join a Class-III post of Driver.

The present contempt has been filed with the allegations that the respondent-Excise Department is not permitting the petitioner to join as Peon, Class-IV post, in compliance of the regularization orders passed by the Deputy Excise and Taxation Commissioner (Sales Tax), Sonipat.

On the other hand, learned counsel for the respondent submits that the directions contained in the order dated 14.05.2015 have been fully complied with, as the services of the petitioner on the Class-IV post of Peon stand regularized with effect from the date of his juniors were regularized till the time he left the Department on his own accord, pursuant to his selection by the HSSC to a Class-III post of Driver. Hence, no further action in the present contempt is warranted.

In view of above, nothing more survives in the present contempt petition and, therefore, the same stands dismissed as infructuous.

February 22, 2017

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(JASWANT SINGH)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No