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**CWP No. 701 of 2001 &
CWP No. 10008 of 2008**

**THE S.D.O. P.W.D. PUBLIC HEALTH SOHNA AND OTHERS
VS.
BHUSHAN AND ANOTHER**

Present: Mr. Pramjit Singh, AAG Haryana with
Mr. Parmod Sehgal, SDC, O/o Public Health
Engineering Department, Sub Division Sohna
(District Gurgaon) for the petitioner

Ms. Alka Chatrath, Advocate with
Respondent No.1-in person

* * * *

This order be read in this case as well as in CWP No. 10008 of
2008.

On the last date of hearing following order was passed:

*“..... Briefly stated that first CWP No. 701 of 2001 is by the
management against the award of the Labour Court dated 28.7.2000 by
which the workman was ordered to be reinstated into service with full back
wages. The Admitting Bench had only stayed payment of 50% back wages
and accordingly the workman was reinstated and thereafter he was getting
the current salary and had also been released 50% back wages.*

*The other writ petition No. 10008 of 2008 is by the workman
stating that vide order dated 27.5.2004 petitioner (workman) Bhushan was
regularised into service w.e.f. 1.10.2003. Workman-Bhushan underwent
medical examination also. However, that order of regularisation was
withdrawn vide order dated 17.7.2004 though no reasons were given as to
why regularisation was withdrawn.*

*Workman-Bhushan filed another writ petition in this Hon'ble
High Court bearing CWP No. 7475 of 2007. That was disposed of by*

observing that the representation of the petitioner-Bhushan (workman) be considered. The representation was rejected which led the workman to file writ petition No. 10008 of 2008.

In reply to the writ petition it has been specifically stated that service regularisation order of Sh. Bhushan was issued inadvertently and later on withdrawn on 17.7.2004 due to pendency of CWP No. 701 of 2001. We fail to understand as to what is the connection between the two writ petitions regarding regularisation.

Be that as it may, it may be observed here that the Lok Adalat vide order dated 6.10.2016 had ordered that out of 50% back wages that still remain to be paid, let 25% be paid which will be in full and final satisfaction of the order of the Labour Court. Mr. Parmar, after getting instructions from Mr. Prem Singhal, SDO states that the amount stands sanctioned. The amount has to be released to the workman. He has stated that let the workman provide his PAN no. to the Department and the amount would be released by some method i.e. either deposited in his account or demand draft would be given to him. Workman, who is present before us, is directed to go to the office and provide the photo-copy of the PAN to the Department. After this is done, the amount as aforesaid be released within 15 days thereafter. He says he will give photo-copy of the PAN to the Department on Monday. Within 15 days thereafter the amount will be released to the workman. This will take care of the CWP No. 701 of 2001.”

Learned counsel for the petitioner in CWP No. 701 of 2001 has

placed on record photocopy of the receipt from respondent-Bhushan showing receipt of ₹ 28,167/- which according to the petitioner's counsel represents the balance 25% of the back wages. In view of the above, according to us, no further orders are required to be passed in CWP No. 701 of 2001 as the same is disposed of as infructuous.

So far as CWP No. 10008 of 2008 filed by the workman is concerned, though the workman was regularised vide order dated 27.5.2004 he had a primary grievance that that orders of regularisation of the workman dated 27.5.2004 had been withdrawn. All the formalities for regularisation have been complete. The workman filed the writ petition bearing CWP No. 7475 of 2007 challenging the order of de-regularization which was disposed of by observing that the representation be considered. However, the representation was dismissed which again led the workman to file CWP No. 10008 of 2008. The reply of the Management was that order of regularisation was issued inadvertently which could not be issued due to the pendency of the writ petition bearing CWP No. 701 of 2001. Though prima facie we find that there is no connection of CWP No. 701 of 2001 so far regularisation is concerned, be that as it may, as observed above, CWP No. 701 of 2001 has been disposed of as infructuous. Now there should not be any impediment for the Department in regularising the respondent-workman w.e.f. due date with all consequential benefits.

Let it be decided within three months of the receipt of the copy of this order.

CWP No. 10008 of 2008 stands disposed of.

**CWP No. 701 of 2001 &
CWP No. 10008 of 2008**

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Copy of the order be supplied/sent to learned counsel/parties.

Copy of the order be also placed on the file of CWP No. 10008
of 2008.

(R.S.Mongia)
President

(Arvind Kumar)
Member

06.04.2017
Janki