

201

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

CWP No.10821 of 2011

Date of Decision : 10.05.2017

Manoj Kumar

..... Petitioner

Versus

U.T. Chandigarh and others

..... Respondents

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present : Mr. Jatin Salwan, Advocate
for the petitioner.

Ms. Deepali Puri, Standing Counsel
for respondents No.2 to 4.

AJAY TEWARI, J. (Oral)

By this petition the petitioner has challenged the order dated 09.02.2011 (Annexure P-1) rejecting the representation of the petitioner.

Brief facts of the case are that the petitioner was appointed as Baildar-cum-Mason in the year 1996. It is not denied that he has requisite educational qualification to be appointed as Junior Engineer. It is also admitted that for the last 1½ decades he is in fact working as a Section Officer/Junior Engineer. The claim of the petitioner is that his services should be regularized as a Junior Engineer.

Learned Standing Counsel for respondents No.2 to 4 has argued that the petitioner can not ignore the reality that persons who were appointed as Mason prior to him are still working on daily wage basis and the post of Junior Engineer can substantively be filled only as per the recruitment rules.

On the other hand, the learned counsel for the petitioner has argued with equal vehemence that while the respondents are accusing him of ignoring the reality that in fact persons appointed as Masons senior to him are still working on daily wages but the respondents are also ignoring the reality that for the past almost 1½ decades they have taken the work of Junior Engineer from him.

I have heard both the learned counsel. The course of action which commends itself to me is to set aside the impugned order and direct the respondent No.2 to decide this issue afresh and to see whether it is possible to harmonise both the facts which have come out. Let the necessary order be passed within a period of 2 months from the date of receipt of a certified copy of this order.

Petition stands disposed of.

Since the main case has been decided, the pending Civil Misc. Application, if any, also stands disposed of.

May 10, 2017
ashish

(AJAY TEWARI)
JUDGE

Whether speaking/reasoned - Yes/No

Whether reportable - Yes/No