

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.1705 of 2014
Date of Decision:-18.01.2017.

Ram Niwas and another

.....Petitioners

Versus

State of Haryana and others

.....Respondents

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

Present: Mr. Sanjiv Gupta, Advocate for the petitioners.

Mr. Harish Rathee, Sr. DAG, Haryana.

P.B. BAJANTHRI, J. (Oral)

1.) In the instant writ petition, the petitioners have questioned the validity of the order dated 24.9.2013 (Annexure P-6) and further sought for a direction to the respondents to regularize their services w.e.f. 1.9.1990 instead of 1.2.1996. The respondents with reference to the decisions of this Court, regularized the service of Ticket Verifiers with reference to the fact that they have completed 240 days. Among others, petitioners' services were also regularized w.e.f. 1.2.1996 ignoring the fact that the petitioners have completed 240 days as on 1.9.1990. Such regularization order was passed on 8.10.2002. The petitioners have failed to question the date of regularization i.e. "1.2.1996" so as to change the date of regularization from 1.2.1996 to that of 1.9.1990 timely. For the first time, they have approached this Court in the year 2012. This Court disposed of the petition directing

the respondents to consider the grievance of the petitioners and to pass a speaking order. Thus, the respondents have passed the speaking order which is under challenge.

2.) Learned counsel for the petitioners vehemently contended that there is a discrimination among the employees while regularizing the services, the persons who were regularized their services, the respondents have taken into consideration of 240 days. The said principle has not been adhered in the case of the petitioners. Thus, there is a discrimination and arbitrary decision is taken by the respondents while regularizing the service of the petitioners. Therefore, the impugned communication is liable to be set aside.

3.) On the other hand, learned counsel for the respondents submitted that the petitioners' services were regularized on 8.10.2002 w.e.f. 1.2.1996 for their grievance for alteration of the date of regularization from 1.2.1996 to that of 1.9.1990, they had the cause of action in the year 2002. They did not agitate their grievance in 2002. In this regard, learned counsel for the respondents relies on a decision of this Court passed in **LPA No.1662 of 2015 (Sukhbir Singh and others Vs. State of Haryana and others)** disposed of on 31.8.2016 wherein this Court has rejected on the ground of inordinate delay and laches to claim regularization. The said decision is aptly applicable to the present case.

4.) Heard learned counsel for the parties.

5.) Perusal of the prayer and dates and events in particularly date of regularization of the petitioners i.e. 8.10.2002 and the date of regularization has been assigned as 1.2.1996. For the purpose of alteration of the date of regularization from 1.2.1996 to that of 1.9.1990. The

petitioners had cause of action in the year 2002. For the first time they have approached in the year 2012. Thus, there is an inordinate delay and laches for period from 2002 to 2012 on the part of the petitioners. That apart Division Bench of this Court in **LPA No.1662 of 2015 (Sukhbir Singh and others Vs. State of Haryana and others)** held that inordinate delay and laches in respect of claiming regularization is impermissible. Having regard to the above facts, the petitioner has not made out a case so as to interfere with the impugned order.

6.) Petition stands dismissed.

(P.B. BAJANTHRI)
JUDGE

January 18, 2017.
sandeep sethi

Whether speaking/reasoned:-

Yes / No

Whether Reportable:-

Yes / No.