

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

**Civil Writ Petition No.15684 of 2017
Decided on : 20.07.2017**

Aflatoon

... Petitioner

Versus

State of Haryan and others

... Respondents

CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA

Present : Mr. R.S. Mamli, Advocate
for the petitioner.

G.S. Sandhawalia, J. (Oral)

The petitioner challenges the order dated 25.03.2015 (Annexure P-8), whereby the petitioner's case for regularization has been rejected on the ground that there is no record available in the office and he is not liable to be regularized. Apart from an identity card, which has now been placed on record as Annexure P-9, nothing has been placed on record to show that the petitioner worked for how many days in which year.

It is the case of the petitioner himself in paragraph No.2 that he had joined in the year 1985, whereas in paragraph No.11, it is his case that he had been working since 1995 and there is no break in the service. Even otherwise it has also not been averred that the petitioner at present is continuing in service.

In such circumstances, since disputed question as such are arising, this Court is of the opinion that the writ Court would not be an appropriate forum to decide the issue as to whether the petitioner is entitled for regularization, on account of the lack of details as such, which is also the basis for the impugned order.

Resultantly, the petitioner is relegated to the alternative remedy of raising an industrial dispute, so that he can bring on record necessary evidence either in the form of documentary or oral evidence to show and demonstrate that for which period he had worked and is entitled for the necessary relief. The Apex Court in ***Maharashtra State Road Transport Corporation and another Vs. Casteribe Rajya Parivahan Karmchari Sanghatana, 2009 (8) SCC 556***, has held that the Industrial Tribunal is empowered to grant permanency to the workers who are victim of unfair labour practice and once the same is established, affirmative action can be taken accordingly.

Accordingly, the present writ petition is disposed of with the abovesaid liberty.

JULY 20, 2017
Naveen

(G.S. SANDHAWALIA)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No