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

CWP-15999 of 2017

Date of Decision: 24.07.2017

Shiv Lal

... Petitioner

Versus

The State of Punjab & another

... Respondents

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA.

Present:- Ms. Lovinder Kaur, Advocate
for the petitioner.

....

TEJINDER SINGH DHINDSA.J.

Petitioner seeks a writ of mandamus for directing the respondent-State of Punjab to absorb the petitioner in State service on a post commensurate to his qualification and on a priority basis.

Pleadings on record would indicate that the petitioner had been engaged with the Punjab Women and Development and Welfare Corporation (PUNWAC) an undertaking of the Punjab Government. Such corporation was running into losses. The State Government took a policy decision on 21.02.1992 to retrench the services of the employees, whose services were considered surplus. Apparently services of the petitioner were retrenched in the year 1993 itself. Counsel submits that the petitioner was again engaged in the year 1996 but was relieved in the year 1999.

Argument raised is that the corporation under which the petitioner had served was under deep and pervasive State control and the State in the capacity of a model employer as also Welfare State was under a

bounden duty to absorb the employees of the corporation on suitable posts as per qualifications held by the employee concerned.

Counsel would place reliance upon an order dater 01.12.2015 at Annexure P-14 to contend that in the case of similarly situated employees i.e Mukhtiar Singh, Krishna Kumari etc. and who were earlier working under PUNWAC, such employees have been absorbed in State service.

It is argued that on the ground of parity itself, petitioner is also entitled to be absorbed by the Punjab State Government against a suitable post.

Having heard counsel for the petitioner at length and having perused the pleadings on record, this Court is of the considered view that no directions as prayed for can be issued.

The petitioner is setting up a highly belated claim.

Services of the petitioner had been retrenched as far back in the year 1992. Apparently an application under Section 33-C(2) of the Industrial Disputes Act had been dealt with by the Presiding Officer, Labour Court, U.T, Chandigarh (Annexure P-10) and in terms of which statements of both the parties had been recorded and the due amount calculated as Rs.15,755/- along with interest @ 6% per annum w.e.f. from the year 1999 was directed to be paid to the petitioner on 31.05.2006.

Insofar as the afore-mentioned employees and who are stated to be similarly situated, suffice it to observe that they had approached this Court first in point of time by filing CWP No.3057 of 1995 (Daljit Kaur and Ors. Vs. State of Punjab and others) and other connected petitions and which were disposed of by a Co-ordinate Bench of this Court on 19.08.2010 (Annexure P-12). Directions at that point of time had been issued to the

State Government to take adequate steps in the capacity of an **employer and to wipe out the tears of the effected employees**. Apparently the petitioners therein having not been afforded any relief, initiated a second round of litigation by way of filing CWP No.526 of 2012 (Mukhtiar Singh & Ors. V. The State of Punjab & Anr.) and CWP No.1054 of 2012 (Madhu Gupta and Ors. V. The State of Punjab and Ors). These writ petitions were allowed vide common judgment dated 27.11.2014.

In purported compliance of the judgment dated 27.11.2014 passed by this Court the orders of adjustment and absorption of the petitioners therein have been issued on 01.12.2015 (Annexure P-14) and upon which reliance has been placed.

The present petitioner has chosen to approach the writ Court now in the year 2017. Even if it was to be assumed that the case of the petitioner is at par with the beneficiaries of the order dated 01.12.2015 at Annexure P-14, still he cannot claim parity and benefit in the same terms.

The cited examples of the other employees i.e Mukhtiar Singh and others are on a different footing. Such employees were diligent in terms of having been approached this Court first in point of time in the year 1999 itself and thereafter in the second round of litigation, instituted in the year 2012. The present petitioner cannot be permitted to gain any impetus on the basis of judgment that may have been rendered in view of similarly situated employees and who otherwise had been diligently pursuing their claim. A reference in this regard may be made to the judgment of Hon'ble Supreme Court in **Rup Diamonds V. Union of India, (1989) 2 SCC 356**. Petitioner has now woken from deep slumber in terms of filing the instant petition in the year 2017.

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This Court does not find any basis for interference. Writ
petition is accordingly dismissed.

24.07.2017 **(TEJINDER SINGH DHINDSA)**
rimpal **JUDGE**

<i>Whether speaking/reasoned:</i>	<i>Yes/No</i>
Whether Reportable:	Yes/No