

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

102

**CM-3812-CWP-2017 in/and
CWP No.20038 of 2016
Date of decision: 27.07.2017**

Sohan Veer

....Petitioner

Versus

State of Haryana & others

...Respondents

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

Present: Dr.Deepak Jindal, Advocate, for the applicant/petitioner.

G.S. SANDHAWALIA, J. (Oral)

CM-3812-CWP-2017

Application for placing on record amended list of dates & events, is allowed, in view of the averments made in the application, duly supported by an affidavit. Same is taken on record, subject to just exceptions. Office to tag the same at appropriate place.

CM stands disposed of.

CWP-20038-2016

Petitioner seeks direction for reinstatement in service and for regularization on his respective post, as per the notification dated 18.06.2014 (Annexure P-8).

As per the case of the petitioner, he was appointed as Driver, on contract basis, in January, 2008 and has placed reliance upon the pages of the log-book which was maintained by the Haryana State Agricultural Marketing Board, Panchkula. It is not disputed that the petitioner is no longer in service since 17.12.2015 and as per his representation dated 08.01.2016 (Annexure P-3) he has sought reappointment. It is further his case that respondent No.7 has been kept in his place. It is the case of the petitioner himself that even his salary, as such, which was deposited in his account, was credited by one contractor-Nav Bharat @ Rs.9706.

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

102 CM-3812-CWP-2017 in/and
CWP No.20038 of 2016

-2-

Thus, it is apparent that there are disputed issue as to who was the employer. Even otherwise, the petitioner is no longer in service and for his grouse, as such, that he has been replaced by another person, it is always open to the petitioner to raise an industrial dispute and the Industrial Tribunal can order regularization if it comes to the conclusion that the employer is resorting to unfair labour practice and denying regular appointments. The Apex Court in *Maharashtra State Road Transport Corporation & 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.

In such circumstances, the present writ petition is disposed of, with liberty to the petitioner to avail his alternative remedy, in accordance with law.

27.07.2017
Sailesh

(G.S. SANDHAWALIA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No