

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

CWP No.3373 of 2013

Date of Decision:-27.04.2017.

Nanu Ram

.....Petitioner

Versus

State of Haryana and others

.....Respondents

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

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Present: Mr. M.S. Kathuria, Advocate for the petitioner.

Mr. Keshav Gupta, AAG, Haryana.

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**P.B. BAJANTHRI, J. (Oral)**

In the instant writ petition, petitioner has questioned the validity of the order dated 8.11.2010 by which his claim for regularization has been rejected.

The petitioner is stated to have been appointed as a Daily Wager in the year 1982 and his services were terminated on 1.1.1993 which was subject matter of judicial scrutiny before the Industrial Tribunal. On 22.2.1999 award was passed in favour of the petitioner with continuity of service. Having regard to these factual aspects, the concerned respondent is required to consider the petitioner's claim for regularization as if he is in service between 1.1.1993 to till reinstatement pursuant to the Industrial Tribunal's award. The concerned respondent is directed to consider the

issue that the persons who were appointed as Daily Wagers in the year 1982

and whose services have not been terminated and such Daily Wager services if it has been regularized the same shall be considered in the case of the petitioner also for the reasons that order of termination is set aside. In effect original position of the petitioner would be restored as if he is in service on 1.1.1993 till reinstatement. The above factual aspects are required to be taken into consideration for the purpose of reconsidering the petitioner's claim for regularization. Accordingly, Annexure P-8 dated 8.11.2010 is hereby set aside on the ground of non-application of mind and in not considering the above issues. The concerned respondent is hereby directed to pass a speaking order while taking into consideration the above factual aspects that the petitioner's termination order has been set aside by judicial order with continuity of service. The above exercise shall be completed within a period of 4 months from today.

Petition stands disposed of.

At this stage learned counsel for the State submitted that as per Annexure R-1 it is a speaking order passed by the respondents. However, the speaking order does not speak of above stated issue. Hence, it is not a speaking order to the extent stated above.

**(P.B. BAJANTHRI)**  
**JUDGE**

**April 27, 2017.**  
*sandeep sethi*

Whether speaking/reasoned:-

Yes / No

Whether Reportable:-

Yes / No.