

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

Civil Writ Petition No.23307 of 2017

Date of decision: 11.10.2017

Hansraj

...Petitioner

Versus

State of Haryana and others

...Respondents

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

Present: Mr. Rohit Ahuja, Advocate for the petitioner.

G.S.SANDHAWALIA, J. (Oral)

The petitioner seeks a writ in the nature of mandamus directing the respondents to regularize the services as per policy dated 1.10.2003 (Annexure P/3).

It is the case of the petitioner that he was engaged in November, 1988 and working as Clerk-cum-typist on different occasions but his presence was noticed as a Beldar in the muster rolls. His services were terminated with effect from 1.9.2000. He raised an industrial dispute which was decided in his favour by the Labour Court, Hisar on 8.6.2005 (Annexure P/1) and he was held entitled to reinstatement in service with continuity of service and all consequential reliefs and 50% back wages from the date of demand notice dated 31.10.2001. The Civil Writ Petition bearing No.10828 of 2006 filed by the State was dismissed on 20.7.2006 (Annexure P/2) and the SLP has also been dismissed. He was allowed to join his duties on 25.1.2007 and is working to the entire satisfaction of his superiors. He was regularised vide order dated 17.11.2014 (Annexure P/5) with effect from 18.6.2014.

Resultantly, he seeks benefit of regularization from an earlier date on account of the strength of the fact that he would be deemed to be in service in view of the Award of the Labour Court and the said policy which was allegedly in force at that point of time.

Counsel accordingly submits that he would be satisfied if the legal notice dated 15.03.2017 (Annexure P-6) is decided within a fixed time frame.

Notice of motion.

Ms. Shruti Jain Goyal, AAG, Haryana accepts notice on behalf of the respondents. Copy of the paper-book has been supplied.

Keeping in view the above, no useful purpose will be served by calling upon the respondents to file reply, since the decision making process is not complete.

Accordingly, without commenting upon the merits of the case or the entitlement of the petitioner, the present writ petition is disposed of with a direction to respondent No.3 to take a decision on the legal notice dated 15.03.2017 (Annexure P-6) within a period of 4 months from the receipt of the certified copy of this order.

Needless to say that, in case, any adverse order is to be passed, the same be conveyed to the petitioner by passing a speaking order.

October 11, 2017
Pka

(G.S.SANDHAWALIA)
Judge

Whether speaking/reasoned

Yes/No

Whether reportable:

Yes/No