

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

**CWP No. 969 of 2017
Date of Decision: 26.07.2017**

Ved Parkash

.....Petitioner

Vs.

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. Arun Yadav, Advocate,
for the petitioner.

AMOL RATTAN SINGH, J. (ORAL)

In respect of his grievance of being short-paid the benefits due to him after his reinstatement in service by an Award of the Labour Court and directions issued by this Court on 02.09.2009 in CWP No. 12096 of 2008, learned counsel for the petitioner submits that a legal notice has been got issued on his behalf to the respondents, a copy of which has been annexed as Annexure P-6 with the petition.

However, the petitioner is now seeking back wages for a period prior to 1999, on the ground that those whose services were regularized in the meanwhile, while the petitioner was out of service, were granted all benefits of such regularization and this Court, vide the aforesaid judgment dated 02.09.2009, had directed that once the respondents had taken a decision to regularize the service of the petitioner, they could not be permitted to rely on the judgment in **Secretary State of Karnataka and others** vs. **Uma Devi and others** (2006) 4 SCC 1, to say that regularization cannot be done from the date that others were

regularized.

The entire contention is wholly unfounded, in view of the fact that in that very judgment it has been noticed specifically as follows:-

“The petitioner thus has not only prayed for his regularization from 04.05.1993 but has prayed for release of 50% back wages from the date of demand notice, i.e. 09.05.2000 as per the award of the Labour Court dated 11.05.2004 (Annexure P-2), it appears that 50% of the back wages have been paid to the petitioner from the date of demand notice, i.e. 09.05.2000.

It is now to be seen if the prayer for regularization from the date of appointment of the petitioner is made out or not. The petitioner prays that the persons similarly situated and who were appointed with him have been regularized from the date of appointment and, thus, he cannot be ordered to be regularized from some different date.”

Very obviously the issue of payment of back wages stood already settled even at the time when the order in the writ petition was passed, 50% back wages from the date of the demand notice, i.e. 09.05.2000, having already been paid to the petitioner, as per the Award of the Labour Court itself.

The observations with regard to the petitioner being discriminated against on the basis of Uma Devis' case (supra), were only therefore in the context of his non-regularization at that stage.

Consequently, finding no merit in the petition, it is dismissed in *limine*, with costs of Rs. 2,000/-, to be deposited in the High Court Legal Services Committee, within a period of one month.

July 26, 2017
nitin

(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned

Yes

Whether Reportable

Yes