

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

LPA No. 1700 of 2015 (O&M)

Date of decision: 10.10.2017

Haryana Vidyut Parsaran Nigam Ltd. And Ors

.... Appellants

versus

Chhabi Lal and others

.... Respondents

**CORAM: HON'BLE MR. JUSTICE MAHESH GROVER
HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI**

Present: Mr. D.S. Nalwa, Advocate for the appellants.

Mr. Jagdish Manchanda, Advocate for
respondents No. 1 to 17 and 19.

None for respondents No. 18 and 20.

MAHESH GROVER, J (Oral).

This appeal is directed against the judgment of the learned Single Judge dated 20.05.2015. In the writ petition preferred by present respondents a prayer for direction to appellants to regularize their services was made. The undisputed facts are that the respondents-workmen were engaged by the appellants on different periods ranging from 1987 to 2000 on part time basis, some as Water Carriers while the others are as Mali/Chowkidar etc. At one point of time, their services were terminated but after the matter was looked into by the labour Court, their services were continued. However, the date of the labour Court award is not on record. Be that as it may, the fact remains that they have continued to serve the appellants for more than two and half decades and the only reason to deny them the benefit of regular appointment has been cited as non-availability of regular vacancies. The learned Single Judge opined on the basis of *Anand*

Walia and others V/s. Haryana Urban Development Authority and others,

2013(3) SLR 611 that engagement of a workman for such an inordinately long period would be suggestive of the availability of regular need and thus the plea of the appellants of non-availability of regular vacancy as an excuse was discarded. Before us similar arguments have been raised to contend that 2003 policy envisages regularization only if regular vacancy was available. Cutting into his own argument, learned counsel for the appellants contends that this policy had also been done away with and only way to regularize the service of the respondents is availability of regular vacancies.

Therefore, the only argument upon which the learned counsel for the appellants falls back is the non-availability of regular vacancies which according to us is a failing argument considering the long period of employment of the workmen. It is unacceptable that the State as a model employer should be permitted to resort to such unfair labour practices and dishonest pleas of non-availability of regular vacancies while extracting work from workmen for almost three decades. It is for the State to form a coherent policy in this regard. Their own act of adhocism make the people face uncertainties of life and employment after three decades of service. The appeal deserves dismissal, more particularly, when it is barred by delay of 74 days which has been attributed to the procedures reflecting the callous attitude of the appellants.

Dismissed.

(MAHESH GROVER)
JUDGE

October 10, 2017
Divyanshi

(RAJ SHEKHAR ATTRI)
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No