

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

**L.P.A. No.1714 of 2016 (O&M)
Decided on : 30.11.2017**

Punjab Urban Development Authority and another

... Appellants

Versus

Mandeep Singh and others

... Respondents

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

Present : Mr. Harit Sharma, Advocate,
for the appellant.

Ms. Jigyasa Tanwar, Advocate,
for respondent No.1.

MAHESH GROVER, J. (Oral)

This appeal is directed against the impugned judgment of the learned Single Judge dated 29.3.2016.

The workman-respondent was appointed as Ledger Keeper by the appellants in May, 1997. In the year 1999, he made a prayer for regularization of his services and grant of emoluments as admissible to regular employees. He applied for *Ex-India* leave in March, 2000 which was sanctioned. When he reported for work in May, 2002, he was not permitted to re-join. The appellants took the stand that the services of workman-respondent be deemed as terminated on an oral

arrangement. There was no order of termination. This led to an industrial dispute where the claim of the respondent was accepted and the workman-respondent was directed to be reinstated in service with all consequential service benefits. This award was challenged by way of writ proceedings unsuccessfully and finally, the SLP was also dismissed.

The only result this litigation yielded was a modification of the mandate qua 40% of the back wages, in lieu of which, ₹ 1.5 lacs was awarded as compensation.

The writ petition initiated by the respondents for regularization of his services and equal pay was disposed of on 4.3.2003 directing the appellants to consider the prayer made by the workman-respondent who was a co-petitioner with numerous others. The services of all those employees who were co-petitioners with the workman-respondent in CWP No.13088 of 1999 were regularized as they had completed 3 years of service in terms of policy of 2003.

The claim of the workman-respondent for regularization of his services has been denied on the ground that he did not fulfill the qualifying period stipulated in the policy, i.e., completing of 3 years of service on 21.1.2001. This is precisely the question which was answered by the learned Single Judge who allowed the writ petition issuing a mandamus to the appellant to consider regularizing the services of the workman-respondent with effect from 2003, the date when his junior colleagues and co-petitioners in CWP No.13088 of 1999 were regularized. Apart from the mandate, the consequential

benefits were granted to the workman-respondent notionally from the date of disengagement of his services.

Before us, similar argument has been raised by the appellant, i.e., the respondent not falling within the purview of 2003 policy. It has been urged before us that since the workman-respondent has not actually worked for 3 years up to the cut off date, i.e., January, 2001, he would be dis-entitled to the benefit of regularization or any other benefits flowing therefrom. On due consideration, we do not find any reason to interfere with the judgment of the learned Single Judge. Once the award of the industrial tribunal granting reinstatement with continuity of service which relief was not interfered with right up to the Hon'ble Supreme Court in the proceedings initiated by the appellants against the said award, it would imply that by fiction of law, the workman-respondent continues to be in service and if that be so, then he would certainly be entitled to benefit of regularization which has to flow to him with effect from the date when his juniors or similarly situated employees were regularized.

No ground is made out to interfere with the impugned judgment.

Dismissed.

(MAHESH GROVER)
JUDGE

(RAJ SHEKHAR ATTRI)
JUDGE

November 30, 2017

Paritosh Kumar

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No