

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

LPA No.576 of 2015 (O&M)

Date of Decision: 28.02.2017

Krishan Kumar

... Appellant

VS.

State of Haryana & Anr.

... Respondents

**CORAM: HON'BLE MR.JUSTICE SURYA KANT
HON'BLE MR.JUSTICE SUDIP AHLUWALIA**

Present: Mr. Madan Pal, Advocate for the appellant

Mr. Deepak Balyan, Addl. AG Haryana

SURYA KANT, J. (Oral)

(1) The controversy involved in this case is whether the appellant is entitled to regularization of services as a Draftsman or as a Surveyor? Such a question arose in the context of the plea taken by the appellant that he had been working as a Draftsman on daily wages but his services were regularized on the lower post of Surveyor. After the appellant's claim was declined by learned Single Judge, he placed on record some documents in support of the plea that he had actually been working as Draftsman. Keeping such a plea in view, the following order was passed by this Court on 18.10.2016:-

“Heard learned counsel for the parties.

The question that arises for consideration is whether the appellant was engaged on daily wages to work as a Draftsman or as a Surveyor? His services were regularized as a Draftsman but after 14 years, that order was cancelled on a complaint and his services have been ordered to be regularized on the post of Surveyor.

After the writ petition was dismissed by learned Single Judge, the appellant has placed on record copies of some official record taken under RTI on the basis of which it is claimed that he actually worked as Draftsman and not as Surveyor. Since the aforementioned issue is essentially a question of fact and it can be

conveniently decided by the Authorities after going through the old office record including the one relied upon by the appellant, we deem it appropriate in the interest of justice to direct the Principal Chief Conservator of Forests, Haryana to depute a fairly senior officer of the Department to hold a fresh fact finding inquiry and determine whether the appellant, at the relevant time, was engaged to work pre-dominantly as a Draftsman or as a Surveyor? Let the outcome of the inquiry be produced before this Court on the next date of hearing.”

(2) In deference to the above reproduced order, the Principal Chief Conservator of Forests, Haryana, has filed affidavit along with inquiry report submitted by R.S. Lamba, Chief Conservator of Forest, Administration Haryana. As per the said report, the appellant worked as Draftsman from January, 1991 to 28.11.1991 only. Thereafter a regular Draftsman was posted and from December, 1991 till his services were regularized on 31.01.1996, the appellant has been found to have worked as a Surveyor only.

(3) In view of the finding of fact returned by the authorities, the claim of the appellant to regularize his services as Draftman cannot be accepted.

(4) Dismissed.

(Surya Kant)
Judge

28.02.2017
vishal shonkar

(Sudip Ahluwalia)
Judge

1. Whether speaking/reasoned?
2. Whether reportable?

Yes
No