

HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

LPA-2017-2016 (O&M)

Date of Decision: May 08, 2017

Joginder Singh

.....Appellant

Versus

State of Haryana and others

.....Respondents

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

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|----|---|---------|
| 1. | To be referred to the Reporters or not? | Yes/No |
| 2. | Whether the judgment should be reported in the Digest? | Yes/No. |
| 3. | Whether Reporters of local papers may be allowed to see the judgment? | Yes/No |

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Present: Mr.Raman B.Garg, Advocate
for the appellant.

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SURYA KANT, J.

The instant Letters Patent Appeal challenges the order dated 11.03.2016 whereby learned Single Judge though has accepted the claim of the appellant for regularisation of his services w.e.f. 01.10.2013 in terms of Government Policy but has denied him back wages. The appellant, thus, seeks modification of the order and grant him arrears of pay from the date of his regularisation.

[2] We have heard learned counsel for the appellant at a considerable length but do not find any merit in this appeal.

[3] The record reveals that the appellant was appointed on daily wage basis in May 1991 and his services were terminated on 31.03.1998. He raised an industrial dispute which was answered in his favour and he was ordered to be reinstated with full back wages vide Award dated 11.04.2001.

[4] The State Government challenged the Award before this Court

by way of a writ petition but no stay was granted. The appellant, thus, continued to serve on daily wage basis. Meanwhile the department regularised the services of the appellant w.e.f. 28.05.2014. The writ petition challenging the Labour Court Award was also finally dismissed on 29.10.2015. Thereafter only the appellant raised a claim that he was entitled to for regularisation of his services under the previous Government Policy dated 01.10.2003. As the said claim was not accepted by the department, he filed the instant writ petition in the year 2015 which has been allowed by learned Single Judge on 11.03.2016.

[5] From the facts noticed above, it stands crystallized that the appellant was continuous in service since his reinstatement in the year 2001 and in the absence of any stay order, nothing precluded him to approach this Court or any other forum to seek regularisation of his services under the Policy dated 01.10.2003. Learned Single Judge has very liberally entertained the writ petition filed in the year 2015 for a claim for regularisation of services from the year 2003.

[6] Since the appellant himself is responsible for the delay in seeking regularisation of his services, he cannot be held entitled for back wages.

[7] Dismissed.

(SURYA KANT)
JUDGE

May 08, 2017

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(SUDIP AHLUWALIA)
JUDGE

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

Yes/No
Yes/No