

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Letters Patent Appeal No.2529 of 2016 (O&M)

Date of Decision: January 24, 2017

S.S.Negi

.....Appellant

versus

Haryana Warehousing Corporation

.....Respondent

CORAM: HON'BLE MR.JUSTICE SURYA KANT.

HON'BLE MR.JUSTICE SUDIP AHLUWALIA.

Present: Mr.Naresh Ghai, Advocate, for the appellant.

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Surya Kant, J. (Oral)

The appellant filed writ petition seeking two reliefs, i.e., (i) challenge to the reversion order 12.01.2004 and (ii) his service rendered in Central Warehousing Corporation from 04.11.1969 to 08.06.1978 be counted towards retiral benefits alongwith the service in the respondent-State Warehousing Corporation.

As regard to first relief, learned Single Judge has declined to interfere with the reversal order holding that the appellant was appointed on probation for one year and his work and conduct was not found satisfactory during the probation period due to which he was reverted. As regard to second relief for counting of service rendered by the appellant in Central Warehousing Corporation, learned Single Judge has accepted the appellant's claim and has directed that benefit of such service be extended subject to return of CPF amount which was statedly paid to the appellant at the time of his retirement.

We have heard learned counsel for the appellant and are of the

the appellant was promoted on probation, the Competent Authority was entitled to assess his work and conduct and in the event of not finding the same satisfactory, the appellant was liable to be reverted. Such an order is neither punitive nor stigmatic. Further, the order was passed on 12.01.2004 whereas the writ petition challenging the same has been filed in the year 2010. Such a challenge ought to have been turned down by the learned Single Judge on the ground of delay and laches.

Similarly, in respect of second relief, learned Single Judge has rightly asked the appellant to refund the CPF amount which was paid at the time of his retirement. If the appellant has returned the same or it was not received by him, such an explanation could be given to the Competent Authority which shall be considered in accordance with law.

Ordered accordingly.

[SURYA KANT]
JUDGE

January 24, 2017
mohinder

[SUDIP AHLUWALIA]
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No