

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

LPA No.1396 of 2017 (O&M)

Date of Decision : 07.10.2017

Prithvi Singh

....Appellant

Versus

The State of Haryana and another

...Respondents

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

....

Present : Mr.I.D.Singla, Advocate
for the appellant.

.....

MAHESH GROVER, J.

CM Nos.2997 & 2998-LPA of 2017

Marginal delay of 08 days in filing and 22 days in re-filing the appeal is condoned .

CMs stand allowed.

LPA No.1396 of 2017

This appeal is directed against the judgment of the learned Single Judge dated 17.03.2017 declining interference in the writ proceedings where the appellant prayed that his services be regularised on the post of Water Pump Operator-II w.e.f. 01.04.1993 in the pay scale of Rs.950-1400. It is the case of the appellant that he was initially appointed in 1986 and worked as a Water Pump Operator till 1993 when his services were regularised as Mali-cum-Chowkidar. In the year 2012 the State came out with some instructions that those persons whose services were not regularised on class-III posts but the benefits granted on account of non-availability of posts and contingencies should be given their due in Class-III. The appellant made representations which though were recommended

by one authority but found rejection in the ultimate consideration which led to the filing of the writ petition from where the impugned order has emerged.

Learned counsel for the appellant contends that since he was working as Water Pump Operator, he ought to have been regularised as such in 1993 particularly when the instructions of 2012 envisaged so. We are afraid we cannot accept this plea of the appellant in the absence of any clarity in this regard manifesting itself from the proceedings. There would be two impediments in fact, one is that he never raised this issue in 1993 when he was not regularised in class III post. Secondly, even if this fact is ignored the other fact still remains that as to whether he continued after 1993 as a Water Pump Operator or did he perform the functions of Mali-cum-Chowkidar, the post against which he was regularised. Therefore, we would deem it appropriate not to interfere with the impugned order but leave the appellant to his remedies in law, if any, to establish the fact that he continued to work and discharge the functions of Water Pump Operator so as to enable him to the benefit of said post in terms of the said instructions.

Appeal stands dismissed.

(MAHESH GROVER)
JUDGE

07.10.2017
dss

(RAJ SHEKHAR ATTRI)
JUDGE

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