

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH****Date of decision: 27.04.2018****CWP No.10108 of 2015**

Bir Singh

...Petitioner

Vs.

State of Haryana & others

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJIV NARAIN RAINAPresent: Mr. Ajay Chaudhary, Advocate,
for the petitioner.

Ms. Shruti Jain Goyal, AAG, Haryana.

RAJIV NARAIN RAINA, J. (ORAL)

This petition deserves to be allowed since the period of absence spent in litigating before the Labour Court against the termination order has not been treated as period deemed to have worked after the order of termination/dismissal was set aside by the Labour Court and reinstatement awarded with continuity of service. On reinstatement, the Forest Department has denied regularization on the ground that the petitioner had not completed 240 days in any calendar year from the date of termination. The reason is ex facie absurd and deserves to be rejected. The petitioner never withheld his labour and only because of illegal termination order that he was thrown out of service illegally. The Labour Court award dated 19.10.2007 and relief granted leaves no manner of doubt as to why this petition should not be allowed and the petitioner granted relief of regularization from the date his juniors were regularized as mentioned in Para.5 of the writ petition, the contents of which have not been disputed by the respondents.

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Accordingly, the instant petition is allowed with a direction to the respondents to regularize the services of the petitioner forthwith by giving parity of treatment with those who continued in service and received orders making them permanent.

27.04.2018
Vimal

[RAJIV NARAIN RAINA]
JUDGE

<i>Whether speaking/reasoned:</i>	<i>Yes</i>
<i>Whether Reportable:</i>	<i>No</i>