

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

**CWP-3438-2010 (O&M)
Date of decision : 29.11.2018**

Surinder Paul

...Petitioner(s)

Versus

State of Punjab and others

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. Ranjivan Singh, Advocate for the petitioner.

Ms. Ambika Bedi, AAG, Punjab,
assisted by Mr. Jaswinder Singh, Research Officer
and Mr. Chander Shekhar, Assistant Research Officer.

JITENDRA CHAUHAN, J.

By way of the instant writ petition filed under Articles 226/227 of the Constitution of India, the petitioner, *inter alia*, seeks issuance of a writ in the nature of Mandamus directing the respondents to regularize the services of the petitioner in view of Policy dated 23.01.2001 (Annexure P-1) and to grant him regular pay scale.

It is contended that the petitioner joined as Assistant Lab Attendant on work-charge basis in the respondent-Department and served as such till 31.08.1986. On 01.09.1986, the services of the petitioner were illegally terminated. The petitioner challenged the order of termination before the Labour Court, Amritsar, which vide Award dated 07.11.2001 was decided in favour of the petitioner. The respondents were directed to

reinstate the petitioner with continuity of service without back-wages. The said Award was challenged by the respondents vide CWP-13718-2002, which was admitted by this Court. On 28.02.2002, the petitioner submitted his joining in pursuance of the Award passed by learned Labour Court but he was allowed to join his duties only on 16.05.2003. During the pendency of CWP-13718-2002, the petitioner preferred the instant petition seeking regularization in service along with the consequential benefits in view of policy dated 23.01.2001 (Annexure P-1). Vide order dated 30.06.2010, both the writ petitions were ordered to be heard together.

It is submitted that during the pendency of the above-said writ petitions, the petitioner was granted due pay fixation along with annual increments w.e.f. 20.12.1983 vide order dated 23.05.2011 (Annexure P-8). He was also granted gratuity vide cheque dated 04.05.2016 against receipt (Annexure P-9) and leave encashment vide order dated 22.07.2016 (Annexures P-10). It is further submitted that in view of the fact that the petitioner had been taken back in service with continuity of service and had also since retired w.e.f. 30.06.2014, CWP-13718-2002 was disposed of as rendered infructuous vide order dated 10.11.2016 (Annexure P-7).

Learned State counsel has not been able to controvert the factual position in the matter and on instructions, states that the case of the petitioner will be positively considered for regularisation.

In view of the fact that the petitioner was taken back in service with continuity of service and had been paid his retiral benefits for the entire service including the period as work-charge employee coupled with the statement made by learned State counsel, this petition is allowed. The

petitioner is held entitled to regularization of services in view of Policy (Annexure P-1) from the date the similarly situated employee(s) was granted the similar benefit with all consequential benefits. However, the arrears, if any, shall be limited to 38 months from the date of filing the instant petition.

Allowed.

29.11.2018
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(JITENDRA CHAUHAN)
JUDGE

Whether speaking / reasoned : Yes No

Whether Reportable : Yes No