

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

CWP No.17008 of 2016

Date of Decision : 23.04.2018

Ram Kishan

.....Petitioner

Versus

The Divisional Forest Officer, SEP Bhiwani and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE ARUN PALLI

Present: Mr.S.K.Bhardwaj, Advocate for the petitioner.

Mr. R.K.Doon, AAG, Haryana.

ARUN PALLI, J. (Oral)

The petitioner prays for a direction to the respondents-authorities to reinstate him in service, for, the persons junior to the petitioner have not only been reinstated, but have since been regularized.

Concededly, services of the petitioner were terminated on 15.10.1998, but the Labour Court vide its award dated 26.03.2008 (Annexure P-1), ordered his reinstatement with continuity of service and 50% back-wages. It is not disputed either that a writ petition preferred by the State i.e. CWP No.3145 of 2009 (The Divisional Forest Officer (SFP), Bhiwani now The Divisional Forest Officer (Territorial), Bhiwani Vs. The Presiding Officer, Industrial Tribunal-cum-Labour Court, Rohtak and another), this Court, vide order and judgment dated 22.05.2009 (Annexure P-2), allowed the said petition and set aside the award dated 26.03.2008. However, for, the petitioner had served the State from 15.04.1985 to

15.10.1998 i.e. 12 ½ years before his services were brought to an end, he was held entitled to Rs.1,25,000/-, as compensation in lieu of the reinstatement. Concededly, the Special leave Petition filed by the petitioner against the decision of this Court has since been dismissed on 13.08.2012. Meaning thereby, the order rendered by this Court, referred to above has since attained finality. Thus, the prayer of the petitioner seeking reinstatement, lacks conviction and cannot be countenanced. In fact, one wonder as to how the petitioner could file the petition at hands year's later and claim reinstatement, once the award rendered by the Labour Court no longer exist and his termination has become final. On being pointedly asked, learned counsel for the petitioner could not show, as to how, in the given circumstances, the petitioner could claim reinstatement.

Thus, no ground is made out to interfere in exercise of extraordinary jurisdiction under Article 226 of the Constitution of India. The petition is accordingly, dismissed.

23.04.2018

Manoj Bhutani

(ARUN PALLI)
JUDGE

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