

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CWP No.12894 of 2018

Date of Decision:-21.05.2018

Ravinder Kumar.

.....Petitioner.

Versus

The State of Punjab & Ors.

.....Respondents.

CORAM:- HON'BLE MR. JUSTICE JASWANT SINGH

Present:- Mr. Bhavnik Mehta, Advocate for the Petitioner.

JASWANT SINGH, J.

Petitioner was born on 15.11.1968. His father while working as Cook on regular basis with Punjab Police died in harness on 12.10.1988 . The petitioner was engaged/appointed vide order dated 29.12.1988 passed by SSP Ludhiana as Assistant Cook on whole time Contingent Paid Staff at Police Station Sadar, Khanna due to the death of his father Sant Ram. Since the petitioner had completed 10 years of contingent service on 31.12.2006, his services were regularized vide order dated 06.12.2011 (P-13) against a regular post in terms of the Regularization Policy of the year 2011.

Learned Counsel for the petitioner has argued that petitioner is entitled for regularization of his service as Cook from his initial date of engagement/appointment on compassionate basis, in view of the judgment dated 05.09.2011 passed by Co-ordinate Bench of this Court in CWP No.17326 of 2009 titled as Sanjeev Kumar Vs. State of Punjab & Ors.

(Annexure P-14). It is submitted that the petitioner Sanjeev Kumar in the cited case also was initially appointed as temporary contingent paid Sweeper in lieu of the death of his father who died on 3.1.2006 while working as Sweeper, and this Court directed that the service of Sanjeev Kumar, engaged as Sweeper on contingent basis shall be treated as on regular basis with all consequential basis. Hence a similar prayer is made.

After hearing learned Counsel for the petitioner and perusing the paper book with his able assistance, no case for invoking the extraordinary writ jurisdiction is made out.

Petitioner had earlier filed CWP No.3792 of 2005 which was disposed of by a Division Bench of this Court vide order dated 10.03.2005 (**P-11**) directing the SSP Khanna to pass a reasoned speaking order on the reliefs claimed by the petitioner in his representation. Admittedly, a speaking order dated 28.06.2005 (**P-12**) was passed, wherein the representation was declined. It was ordered that the case of the petitioner shall be considered for regularization as per his seniority. The said order was never challenged by the petitioner. Now after a lapse of more than 12 years of passing of order Annexure P-12 the petitioner cannot seek revival of his claim on the basis of decision dated 5.9.2011 (**P-14**) passed by learned Single Judge, on the ground of delay and laches, as also estopped in view of the conduct of petitioner by accepting the Order (**P-12**). The petitioner Sanjeev Kumar in P-14 had approached this Court within three years of the death of his father and his appointment on contingent paid staff was regularized whereas as observed above, petitioner had accepted his fate in the year 2005 itself & therefore, now his claim cannot be revived, on the basis of judgment Annexure P-14.

In view of the above, finding no merit in the present writ petition, the same is hereby dismissed.

(JASWANT SINGH)
JUDGE

May 21, 2018
Vinay

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