

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

Sr. No.135

C.R. No.13437 of 2018
Date of decision: 25.05.2018

Mahindero

....Petitioner

versus

State of Haryana and others

....Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. J.K. Goel, Advocate
for the petitioner.

* * *

DEEPAK SIBAL, J. (Oral)

Through the present petition, the petitioner seeks regularization of the services of her deceased husband w.e.f. 03.01.1997 or in the alternative w.e.f. 03.03.2004 when according to her other similarly situated employees have been granted the benefit of regularization. She further prays for release of all consequential benefits including pensionary benefits alongwith interest @ 18% per annum.

The facts which are not in dispute are that the husband of the petitioner retired on 31.12.2013; died on 07.04.2015; had earlier filed a petition before this Court in the year 2004 being CWP No.3158 of 2004 - Bhartu versus State of Haryana and others, wherein he had not claimed regularization and other similarly situated persons with whom parity is sought had approached this Court in the year 2010 i.e. when the petitioner's husband was alive and in service. However, at that time her husband chose not to approach this Court alongwith them.

The present petition has been filed in the year 2018 seeking regularization of the services of the petitioner's deceased husband w.e.f. 03.01.1997 or in the alternative w.e.f. 03.03.2004 when according to the petitioner services of other similarly situated employees had been regularized; after 4 ½ years of the retirement of the petitioner's husband as also three years after his death. The petition clearly suffers from gross unexplained delay.

It is also not disputed that in the year 2004 when the petitioner's husband had approached this Court through an earlier petition in Bhartu's case (supra), he had not claimed regularization therein. The present petition is thus also barred on the application of principles of Order 2 Rule 2, Code of Civil Procedure, 1908.

In view of the above, no merit is found in the present petition and the same is accordingly, dismissed.

(DEEPAK SIBAL)
JUDGE

May 25, 2018
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Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No