

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

**CWP No.16118 of 2018
Date of decision: 06.07.2018**

Lal Singh

...Petitioner

Versus

The Chief Administrator and others

...Respondents

CORAM:HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Gaurav Bakshi, Advocate,
for the petitioner.

Ritu Bahri, J.

The petitioner is seeking quashing of letter dated 16.10.2017 (Annexure P-6) passed by the Executive Engineer, Haryana Sehri Vikas Pradhikaran Division-respondent No.3, whereby his claim for regularization of services as per policy/instructions dated 18.03.1996 has been rejected.

Initially, the petitioner was engaged by respondent No.2 on TMR/daily wage as Patrol Man on 01.05.1989. On 03.05.1989, his name was entered on TMR/daily wager of Chowkidar. His services were terminated on 01.03.1993. The termination order was challenged before the Labour Court. Before the Labour Court, Sh. Ishwar Chand Bhalla (MW-1) had brought Muster Rolls, which showed that workman-petitioner had been working from October, 1992 to January, 1994. Ultimately, vide award dated 28.05.1999 (Annexure P-1) passed by the Industrial Tribunal-cum-Labour Court, Hisar, his services were reinstated with 70% back wages and continuity of service with all consequential benefits. Pursuant to the said award, petitioner was taken back in services as Chowkidar w.e.f. 01.12.1999. Thereafter, his services were regularized w.e.f. 01.07.2004

vide order dated 21.09.2004 (Annexure P-2).

Learned counsel for the petitioner has argued that the petitioner should have been considered for regularization as per policy dated 18.03.1996 (Annexure P-3) as he had completed three years of service on 31.01.1996.

This argument is liable to be rejected. A perusal of the award dated 28.05.1999 (Annexure P-1) shows that services of the petitioner were terminated on 01.03.1993. As per this award, he has been granted continuity of service w.e.f. 14.11.1995. For the period w.e.f. 01.03.1993 to 13.11.1995, neither he had worked with the department nor continuity of service has been granted to him. As per policy/instructions dated 18.03.1996 (Annexure P-3), he should have worked as daily wage employee with three years service as on 31.01.1996. Since there was no continuity of service w.e.f. 01.03.1993 to 13.11.1995, his services have rightly been regularized w.e.f. 01.07.2004.

In view of the above, no illegality or irregularity has been found in the impugned order warranting interference by this Court.

Dismissed.

06.07.2018
ajp

(RITU BAHRI)
JUDGE

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