

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH.

126

CWP No.17103 of 2018 (O & M)
Date of Decision: August 31, 2018

Darshan Kumar

.....PETITIONER(s).

VERSUS

State of Punjab and others

....RESPONDENT(s).

CORAM:- HON'BLE MR. JUSTICE JASWANT SINGH

Present: Mr. Arun Gosain, Advocate
for the petitioner.

JASWANT SINGH, J. (ORAL)

Service of the petitioner as a daily wage Chowkidar with the Punjab State Civil Supplies Corporation (PUNSUP) were regularised vide order dated 30.05.2007 (Annexure P-5) passed by the District Manager, PUNSUP, Gurdaspur upon creation of a post and in compliance of Award dated 18.03.2005 passed by the Industrial Tribunal, Chandigarh directing that the case of the petitioner to be considered for regularisation in view of the instructions.

Accordingly, the case of the petitioner was considered in the light of the instructions dated 15.12.2006 and his services were regularized vide order (Annexure P-5), which he accepted.

Now after a lapse of more than eleven years, the petitioner by filing a writ of mandamus is seeking a direction for regularisation of his service w.e.f. 01.01.1996 with all consequential benefits when his alleged junior Rachpal Singh was regularised vide order dated 16.09.1996.

daily wage basis on 28.10.1985 and his services were illegally dispensed with on 04.05.1987. The petitioner after a delay of more than four years raised a demand notice on 22.08.1991 and upon reference on 11.02.1992, an award dated 14.12.1995 (Annexure P-3) was passed by the Labour Court, Gurdaspur in favour of the petitioner whereby his termination was set aside with continuity of service with full back-wages.

To a pointed query, learned counsel for the petitioner concedes that the petitioner was reinstated on the statement of the petitioner that he will not claim back wages. Thus it is conceded that back wages were never paid.

Learned counsel for the petitioner concedes that in terms of the policy dated 15.12.2006, the services of the petitioner were regularised w.e.f. 30.05.2007 in compliance of the Award dated 18.03.2005 passed by the Industrial Tribunal, Chandigarh, which the petitioner accepted and thus is estopped by his conduct apart from having kept quiet for more than eleven years. It also cannot be disputed that even a civil suit would be barred by the law of limitation for claiming such a relief w.e.f. 01.01.1996.

In view of the aforesaid, the present writ petition is dismissed on the ground of delay and laches.

August 31, 2018
A.Kaundal

(JASWANT SINGH)
JUDGE

Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No