

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No.20994 of 2017
Date of Decision: 21.09.2018

Rishi Pal Singh

.....Petitioner

Vs.

Haryana Seeds Development Corp. Ltd.

.....Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present:- Mr.R.K.Malik, Sr. Advocate, with
Mr.Samrat Malik, Advocate, for the petitioner.

Ms.Anchala Thakur, Advocate, for respondent.

RITU BAHRI, J. (ORAL)

Petitioner is seeking directions to the respondent to regularize his services w.e.f. the date of the services of his juniors were regularized w.e.f. 30.09.1988 by the respondents vide order dated 03.08.2006 (Annexure P-7) and further direction to the respondent to grant the arrears of salary to the petitioner.

Learned counsel for the petitioner submits that petitioner was employed on contract basis as salesman on 01.10.1985 and his services was converted to ad-hoc on 19.02.1987 but thereafter on 18.01.1988, he was terminated. He approached labour Court for his reinstatement with full back wages. As per Award dated 23.12.1994 (Annexure P-3) which has attained finality by passing the order dated 28.05.2010 (Annexure P-8) and an order passed in LPA (Annexure P-9) whereby 100% back wages was reduced to 50% with continuity of service of the petitioner and SLP was also dismissed in this regard. However, prayer of the petitioner is that the person juniors to the petitioner have been regularized on 13.09.1988.

Petitioner has not been re-instated on 22.11.2013. Keeping in view the above facts which are not being disputed, the petitioner's case now deserves to be allowed in view of the judgment passed in Birender Singh Vs. Haryana Seeds Development Corporation Limited and others passed in CWP No.16220 of 2015 whereby, on account of giving benefit of continuity of service pursuant to the Award passed by the Labour Court, petition was allowed by giving directions to the Government to regularize him at par with his juniors. In the case of Birender Singh (Supra), the petitioner has been regularized as per policy dated 24.12.2014 at par with his juniors keeping in view that continuity granted by the Labour Court, he could not be denied regularization from the prior date and writ petition was allowed.

In the present case, counsel for the petitioner has referred to an order (Annexure P-14) dated 16.01.2015 wherein, an information has been provided to him in RTI Act, 2005 wherein, as per list of employee, Suresh Pal was appointed on 03.10.1985 who has been regularized and this information has not been disputed by counsel for the respondents. Whereas, [Name] was appointed on 01.10.1985 in the same department has not been regularized. The above information has been received under RTI (Annexure P-14) and it has been mentioned in para 10 of the writ petition and this fact has not been denied in the written statement.

In view of the above, the present writ petition is allowed and directions are being given to the respondents to regularize the petitioner w.e.f. the date when his juniors have been regularized as per information given in Annexure P-14 under RTI Act within a period of 4 weeks on receipt of the order of this Court. Petitioner has been reinstated on 22.11.2013 and prior to

regularization of the services of petitioner, his pay be fixed notionally and he will be given 50% back wages from the date of Award i.e. 23.12.1994 till realization. After the reinstatement of the petitioner on 22.11.2013, the petitioner will get other pecuniary service benefit as full salary. The payment will be made with interest @ 6%.

(RITU BAHRI)
JUDGE

21.09.2018
anil

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