

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

CWP No.27559 of 2018(O&M)

Date of Decision:-29.10.2018

Balwinder Singh.

.....Petitioner.

Versus

The State of Punjab & Ors.

.....Respondents.

CORAM:- HON'BLE MR. JUSTICE JASWANT SINGH

Present:- Mr. A.K. Walia, Advocate for the Petitioner.

JASWANT SINGH, J.

The petitioner along with respondent nos.5, 6 & 7 was appointed as a Warder on Adhoc basis vide order dated 28.11.1988 (Annexure P-1/T). The services of respondent nos.5, 6 & 7 were regularized in the year 1996, by the Committee constituted for the purpose, however, the petitioner, was left out as he was posted with respondent no.4- the Superintendent, Headquarters, Jail, Patiala. The services of the petitioner were regularized vide order dated 3.10.2003.

Petitioner claims that since respondent nos.5 to 7 have been promoted much earlier to the petitioner, prejudice has been caused to the petitioner .

The petitioner who has been regularized much after the date when respondent nos.5 to 7, were regularized cannot claim a right to be promoted and placed before respondent nos.5 to 7.

It is an admitted position that services of petitioner stood regularized vide order dated 31.10.2003 (P-4), wherein it was categorically mentioned that his services are being regularized with effect from the date of issuance of the order i.e. 31.10.2003. It is not the case of petitioner that he was unaware of passing of the order of his regularization. Once, that being the case, petitioner cannot be permitted to claim parity with private respondents at this stage, by preferring the instant writ petitioner after a gap of 15 years and plead injustice. The claim of petitioner is not only stale but also barred by principle of estoppel, having accepted the order of his regularization as far back as in the year 2003.

The argument that seniority list has been published for the posts in the year 2017 and therefore petitioner has a valid cause of action having approached within time, is also mis-conceived. It is evident that third party rights have since been created in favour of other employees, whose services were regularized in the interregnum i.e. 1996 to 2003. It has to be kept in mind that a person, who is himself guilty of sleeping over his rights, cannot be permitted to infringe upon the already crystallized rights of third party.

Consequently, for the reasons stated above, finding no merit, the instant writ petition is hereby dismissed.

(JASWANT SINGH)
JUDGE

October 29, 2018
Vinay

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