

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

LPA No.2526 of 2016 (O&M)
in CWP No.12100 of 2013
Date of decision: 08.01.2018.

Haryana State Electricity Board and another

..... Appellants

Versus

Baldev Singh

..... Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BINDAL.
HON'BLE MR. JUSTICE B.S. WALIA.

Present: Mr. Jasmeet Singh Bedi, Advocate for the appellants.

Rajesh Bindal, J.

By filing the present intra-court appeal, challenge has been made to the order passed by the learned Single Judge whereby the writ petition filed by the respondent claiming retiral benefits was allowed.

In the case in hand the respondent was employed as workman on daily wages in April 1979. It is claimed that his services were terminated in September 1983. Though the case of the department was of abandonment, Demand notice was issued in the year 1987. The Labour Court vide award dated 10.02.1993 directed reinstatement of the workman as daily rated labourer but as a fresh appointee without any backwages. The same was challenged by the appellants before this Court by filing CWP No.4608 of 1994, which was dismissed on 04.11.2011. Thereafter, the respondent-workman was even paid the arrears of backwages from 10.02.1993 upto 30.11.2012 the date on which he attained the age of 60 years. As the respondent was not paid any retiral benefits, he filed the writ petition which was allowed.

Contention raised by the learned counsel for the appellants is

that the services of the respondent having not been regularised, he cannot be

treated as an employee working on regular basis in a pay scale, to be entitled to the retiral benefits. No such prayer had been made by him even in the writ petition filed.

We do not find any merit in the submissions made. In the affidavit dated August 30, 2017 filed by the Executive Engineer (Operation) Division, Uttar Haryana Bijli Vitran Nigam Limited, Kurukshetra, it has been stated that policy was circulated by the State on 03.08.2011 which was adopted by the appellants on 26.08.2011 in terms of which any employee/worker who had continued to work for not less than ten year on 10.04.2006 was entitled to be regularized.

In the case in hand as per the award of the labour Court the respondent was directed to be appointed afresh on 10.02.1993. He would complete more than 10 years of service as on cut off date i.e. 10.04.2006, as fixed in the policy dated 03.08.2011, hence he would be treated to have been regularized in service and consequently, entitled to all retiral benefits. There is no error in the order passed by the learned Single Judge.

Accordingly, the appeal has no merit and the same is dismissed. Consequently, the applications seeking condonation of 76 days' delay in filing the appeal and 4 days' delay in refiling the appeal are also dismissed.

(Rajesh Bindal)
Judge

(B.S. Walia)
Judge

08.01.2018
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1. Whether speaking/reasoned : Yes/No.
2. Whether reportable : Yes/No.