

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

LPA No. 416 of 2017 (O & M)

Date of Decision: 18.9.2018

Chairman and Managing Director, Punjab and Sind Bank and others

.....Appellants

v.

Angrej Singh

.....Respondent

**CORAM HON'BLE MR. JUSTICE MAHESH GROVER
 HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU**

Present:- Mr. R.N. Lohan, Advocate, for the appellants

 Ms. Harpreet Kaur Dhillon, Advocate, for the respondent

MAHESH GROVER, J. (Oral) :

 This appeal is directed against the judgment of learned Single Judge dated 26.10.2016. It is not in dispute that the present respondent-workman was working as a peon even prior to 1991. It is the own case of the appellants that the petitioner though in employment prior to 1991, did not complete 240 days of employment upto 31.12.1989, thereby dis-entitling him to claim of regularization as per the policy which benefit was conferred on persons on 16.10.2000 as they had completed 240 days upto December 1989.

 This is the sole distinction being sought to be drawn from the cases of those employes who were regularised. The writ petition was preferred by the respondent in 2015 pressing for his regularization. The learned Single Judge accepted the writ petition and on parity with the cases of other employees, who were regularised, directed a similar benefit to be

given to the respondent as well with a further direction that arrears of salary be calculated and disbursed within 4 months from the date of passing of the order.

Learned counsel contends that since the respondent had not completed 240 days upto December 1989 as per the policy, no parity could be drawn with those employees, who fell within the ambit of the said policy.

To a pointed question as to what was the material brought before the writ Court to establish the fact of the respondent not completing 240 days upto December 1989, the learned counsel for the appellants conceded that there was no such material except for his assertion in this regard. As against this, the learned Single Judge has noticed the letter written by the Zonal Office, Faridkot, acknowledging the fact of respondent's engagement and completion of 240 days upto December 1989. This letter is now wished away to say that it was an inadvertent act.

We are afraid that such a plea without any material on record cannot be relied upon to negate the claim of a workman, who had concededly worked for the last more than 3 decades.

Learned counsel for the appellants would then contend that writ petition was filed belatedly in the year 2015, which is sufficient to reject it on the ground of delay and latches.

On consideration, we are of the opinion that the appellants being employers were clearly in exploitative relationship with the respondent-workman with no justification. The benefit of regularization was kept away from him even when conferred on similarly situated employees. We as a writ court, cannot over look the unjust treatment given to the respondent and therefore, would lean towards substantive justice to

reject this contention of the appellant.

The appeal is also barred by delay of 101 days which has not been explained satisfactorily. Consequently, the application as well as the appeal is dismissed.

(MAHESH GROVER)
JUDGE

(MAHABIR SINGH SINDHU)
JUDGE

18.9.2018
Ashwani

Speaking/Reasoned	Yes/No
Reportable	Yes/No