

LPA No. 1531 of 2018 (O&M) 1

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

LPA No. 1531 of 2018 (O&M)

Date of Decision : 01.12.2018

Ramesh Chander

....Appellant(s)

Versus

State of Haryana and others

...Respondent(s)

CORAM : HON'BLE MR.JUSTICE MAHESH GROVER
HON'BLE MR JUSTICE LALIT BATRA

Present : Mr. Ajay Chaudhary, Advocate for the appellant(s)

MAHESH GROVER, J.(ORAL)

The present appeal is directed against judgment of the learned Single Judge dated 8.1.2018 and filed after a delay of 219 days. The application under Section 5 of the Limitation Act does not reveal any substantive cause that would justify condoning the lapse.

We have also considered the issue on merits. Initially the appellant was engaged as a daily wager with the respondents but his services were terminated in the year 1991. He had filed a writ petition even though he had not completed 240 days as a daily wager. He was directed to be considered for engagement in terms of Section 25-G and 25-H since some person junior to him had gained entry. This writ petition was disposed of on 29.8.2008 with direction to the respondents to issue appointment letter to him within one month from the date of receipt of the certified copy of the order, which was complied with.

The appellant seeks the benefit of the period from 1991 to 2008 when his writ petition was decided so as to enable him to the benefit of

regularization policy. This plea was negated by the learned Single Judge and we would have no reason to differ with him considering that acceptance of the writ petition resulted in a direction to the respondents for a fresh appointment with a categoric observation that he will not be entitled to any back wages and compensation. If that be so then appellant's employment will relate to the point of initiation into service after decision of writ petition and not prior thereto. No ground to interfere, particularly, when the appeal is barred by inordinate delay of 219 days.

Hence, instant appeal is hereby dismissed.

(Mahesh Grover)
Judge

01.12.2018
rekha
Whether speaking/reasoned
Whether reportable

(Lalit Batra)
Judge
Yes/No
Yes/No