

LPA No. 716 of 2018 (O&M)

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

**LPA No. 716 of 2018 (O&M)
Date of decision: 06.7.2018**

Om Parkash

... Appellant

Versus

State of Haryana and others

... Respondents

**CORAM: HON'BLE MR. JUSTICE KRISHNA MURARI,
CHIEF JUSTICE
HON'BLE MR. JUSTICE ARUN PALLI**

Present: Mr. R.S. Mamli, Advocate
for the appellant.

KRISHNA MURARI, CHIEF JUSTICE (Oral)

CM No. 1992-LPA-2018

For the reasons set out in the application, which is duly supported by an affidavit, the same is allowed. Consequently, the delay of 47 days in re-filing the accompanying appeal is condoned.

Application stands disposed of.

CM No. 1995-LPA-2018

For the reasons set out in the application, which is duly supported by an affidavit, the same is allowed. Consequently, the delay of 116 days in filing the accompanying appeal is condoned.

Application stands disposed of.

LPA No.716 of 2018

This Letters Patent Appeal has been filed challenging the judgment and order dated 29.8.2017, passed by the learned Single Judge dismissing the writ petition filed by the petitioner-appellant, seeking benefit of regularisation.

The learned Single Judge, after looking into the pleadings, found that there were disputed questions of facts which needed to be adjudicated, while considering the case of the petitioner, and hence, relegated him to avail the alternative remedy.

Learned counsel for the appellant submits that there already exists an award in favour of the petitioner-appellant with respect to the continuity of service, and as such, there was hardly any reason or occasion to remand the matter back.

We are not impressed with the submission made by learned counsel for the appellant. Even if, as suggested by the learned counsel for the appellant, there exists an award, still the stand taken by the respondents in their reply, to the writ petition, was that they never engaged the appellant-petitioner for any work even for a single day. The issue became purely factual in nature and could have been more appropriately gone into by the Labour Court/Industrial Tribunal, on the basis of evidence.

In such circumstances, we do not find any illegality in the judgment and order passed by the learned Single Judge, which may require interference. The appeal is devoid of any merit and accordingly stands dismissed.

However, in case the petitioner-appellant approaches the Labour

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Court/Industrial Tribunal, we hope and trust that the said proceedings initiated, shall be disposed of by the concerned authority expeditiously, preferably within a period of six months from the date of invoking the jurisdiction.

(KRISHNA MURARI)
CHIEF JUSTICE

(ARUN PALLI)
JUDGE

July 06, 2018
AK Sharma

Whether speaking / reasoned:	YES
Whether Reportable:	NO