

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

LPA-733-2018 (O&M)

Date of decision:- 17.07.2018

Des Raj

...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.

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KRISHNA MURARI, C.J. (ORAL)

CMS-2026 & 2027-LPA-2018

For the reasons mentioned in the applications, the delay of fifteen days in re-filing and nine days in filing the appeal is condoned.

The applications stand disposed of.

LPA-733-2018

Heard learned counsel for the appellant.

This Letters Patent Appeal under clause X of the Letters Patent Act has been filed by the petitioner (appellant herein) challenging the judgement and order dated 25.01.2018 passed by the learned Single Judge relegating him to the alternative remedy under the labour laws.

2. The petitioner approached this Court seeking benefit of regularization alongwith all consequential benefits on the allegation that his juniors have been regularized. The proceedings were contested by the respondents categorically denying that they never engaged the petitioner for any work

even for a single day and, therefore, he was not entitled for regularization. The learned Single Judge finding that the disputed questions of fact are to be gone into and adjudicated declined to interfere in the matter and relegated the petitioner back to avail the alternative remedy available to him in law.

3. Admittedly, disputed questions of fact are arising for adjudication which cannot be effectively gone into in writ jurisdiction and the appropriate remedy is the forum where the same can be adjudicated on the basis of evidence to be adduced by the parties.

4. In this view of the matter, we do not find any illegality in the judgement and order of the learned Single Judge, which may require interference. The appeal is devoid of merits and accordingly stands dismissed.

5. However, in case the petitioner approaches the Labour 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

17.07.2018

Amodh

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No