

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

**102**

**RSA-5467-2016 (O&M)**

**Date of decision:01.02.2018**

Jaivir Singh

....Appellant

Versus

State Transport Commissioner-cum-Director General, State Transport,  
Haryana and others

.... Respondents

**CORAM: HON'BLE MR. JUSTICE P.B. BAJANTHRI**

Present: Mr. Ramesh Goyat, Advocate for the appellant.

**P.B. BAJANTHRI, J. (ORAL)**

**CM-14274-C-2016**

This is an application for condonation of delay of 236 days in filing the appeal. Heard. In view of the reasons mentioned in the application and affidavit, same is allowed. Delay of 236 days in filing the appeal is condoned.

**CM-14275-C-2016**

This is an application for exemption from filing certified and typed copies of judgment and decree dated 18.04.2014 and ground of appeal filed before ADJ, Chandigarh. Heard. In view of the reasons mentioned in the application and affidavit, same is allowed.

**Main case.**

In the present appeal, appellant has questioned the concurrent findings given by the trial as well as appellate courts. Grievance of the appellant is that he is entitled to regularization w.e.f. the date on which he has completed 240 days from the date of appointment. He is stated to have been appointed as a Helper/Welder on 15.10.1986. Respondents have regularized services of the appellant on 28.04.2004 while assigning

the date of regularization as 01.10.2003. Thereafter, the same was rectified on 12.05.2006 while refixing the date of regularization as 01.04.1993. Suit was filed in the year 2011. Learned counsel for the appellant submitted that there is no delay and latches during the period from 2006 to 2011 since identically situated persons whose services have been regularized has been altered in view of judicial pronouncements. In view of these factual aspects he is entitled to date of regularization be altered from 01.04.1993 to the date as and when he completed 240 days with reference to his initial appointment as 15.10.1986. Appellant has failed to challenge the order of regularization dated 12.05.2006 by which he has been assigned date of regularization as 01.04.1993. What has been sought in the suit is that he is entitled to date of regularization earlier than the date assigned as 01.04.1993 i.e. as and when he has completed 240 days from the initial appointment. Perusal of the factual aspects it is evident that appellant is fence-sitter that he was waiting for some decision. Thereafter, he has filed a suit for the first time in the year 2011 when cause of action accrued to him on 12.05.2006. Thus, there is delay and latches on the part of the appellant insofar as filing suit in the year 2011. Moreover, he has not challenged the order of regularization dated 12.05.2006 insofar as fixing his date of regularization as on 01.04.1993 as long as order dated 12.05.2006 is not challenged appellant is not entitle to any alteration of date of regularization from 01.04.1993 to any other date. Accordingly, appellant has not made out a case. Appeal stands dismissed.

**01.02.2018**

pooja saini

**(P.B.BAJANTHRI)  
JUDGE**

Whether speaking/reasons:

Yes/No

**Whether Reportable:****Yes/No**