

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

Date of Order: January 09, 2018

+ **W.P.(C) 217/2018**

MANOJ KUMAR Petitioner

Through: Mr. Javed Ahmed, Mr. Anis

Ahmed and Mr. Syed Maria Aijaz, Advocates

Versus

DELHI AGRICULTURAL MARKETING BOARD AND ORS.

.....Respondents

Through: Mrs. Avnish Ahlawat, Advocate

for respondents No.1 & 2

CORAM:

HON'BLE MR. JUSTICE SUNIL GAUR

ORDER

(ORAL)

1. Petitioner claims to have worked as *Mali* with respondent-Delhi Agricultural Marketing Board (hereinafter referred to as 'DAMB') on *ad-hoc* basis w.e.f. 7th August, 2001 till the date of his regularization i.e. 30th November, 2005. The relief sought in this petition is that petitioner's regularization be back dated from 7th August, 2001 as it has been done in the case of Junior Engineers-G.U. Islam and Gulshan Lal.

2. Learned counsel for petitioner submits that in the Representation of 26th May, 2014 (*Annexure P-8*), petitioner had sought parity with the above-said two Junior Engineers while asserting that they have been regularized from the date of their initial appointment on *ad-hoc* basis and so, on parity basis, petitioner ought to be also regularized from the date of his appointment i.e. 7th August, 2001.

3. Impugned Memorandum of 26th September, 2016 (*Annexure P-9*) deals with petitioner's Representations of 1st June, 8th September and 14th

September, 2016 but does not deal with petitioner's earlier Representation of 26th May, 2014 (*Annexure P-8*). The reasons put forth in the impugned Memorandum (*Annexure P-9*) is that back date regularization of *ad-hoc* service w.e.f. 7th August, 2001 cannot be acceded to as petitioner had worked for 89 days each time and after one day break, he was re-employed on *ad-hoc* basis. It is pertinent to note that the parity aspect has not been considered in impugned Memorandum (*Annexure P-9*).

4. In the facts and circumstances of this case, it is deemed appropriate to dispose of this petition with permission to petitioner to make a concise representation to respondent-*DAMB* within a period of four weeks from today, and with direction to respondent-*DAMB* to pass a speaking order on petitioner's representation so received, within a period of twelve weeks from receipt thereof, while specifically dealing with the parity aspect. The fate of representation be made known to petitioner within two weeks thereafter, so that petitioner may avail of the remedies as available in law, if need be.

5. Respondent-*DAMB* be apprised of this order forthwith to ensure its compliance.

6. With aforesaid directions, this petition is disposed of.

(SUNIL GAUR)
JUDGE

JANUARY 09, 2018

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