

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

SMRITI
2017.11.25 10:12
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COCp-1843-2015 (O&M)
Date of Decision: 18.11.2019

Hari Ram & Ors

... Petitioners

vs.

Nitin Kumar Yadav & Ors

.. Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present : Mr. G.S.Gopera, Advocate, for the petitioners.

Ms. Aakanksha Sawhney, Advocate, for the respondents.

AVNEESH JHINGAN, J.(ORAL)

A bunch of writ petitions challenging the termination of services of the petitioners and with a further prayer to regularize their services were disposed of on 10.08.2004. The operational part of the judgment is reproduced hereinbelow:

“ We have considered the entire matter in the light of the aforesaid two decisions of this Court and the facts and circumstances of the present case and are of the considered opinion that the case of the present petitioners is squarely covered by the said decisions. It is not shown by the counsel for the respondents why the present petitioners are not entitled to the same relief as was granted in the aforesaid Division Bench judgments. Accordingly, we allow this petition in terms of the relief granted in Satyadev's case and Prem Chand and others case (supra) and for the reasons given in those judgments, we issue a mandamus commanding the respondents to consider the case of the present petitioners for regularisation of their services in their respective cadre within a period of six months from today. There shall, however, be no order as to costs.”

As the needful was not done, the petitioners filed an execution application which was disposed of on 01.12.2011. It was stated therein that the order in the writ petition has attained finality and respondents shall create supernumerary posts to regularize the petitioners. The order was to be complied with within four weeks.

Aggrieved of the order passed in execution application, the respondents filed an SLP and the same was allowed on 01.11.2013. The direction given by this Court was quashed and respondents (in this petition) were directed that if the petitioners are found eligible for regularization as per the policy of the Corporation, the needful shall be done for regularization of the services of the petitioners.

The respondents annexed order dated 29.04.2015 with the reply filed. The claim of the petitioners was rejected, however, an assurance was given that their services will be regularized on their turn and as per availability of vacancies.

The grievance raised by the learned counsel for the petitioners is that the vacancies are available with the Corporation but the needful is not being done.

Learned counsel for the respondents disputes the said position.

Learned counsel for the petitioners, at this stage, seeks liberty to avail remedy in accordance with law against order dated 29.04.2015 and also for claiming benefit, if any arising from the said order.

In view of the above, the contempt petition is disposed of with liberty as prayed for.

18.11.2019

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(AVNEESH JHINGAN)

JUDGE

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No