

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

LPA-289-2019 (O&M)

Date of decision:- 28.02.2019

State of Haryana and others

...Appellants

Versus

Munshi Ram and another

...Respondents

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

Present:- Mr. Deepak Balyan, Additional Advocate General, Haryana,
for the appellants.

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KRISHNA MURARI, C.J. (ORAL)

CM-635-LPA-2019

For the reasons mentioned in the application, the
delay of 80 days in filing the appeal is condoned.

The application stands disposed of.

LPA-289-2019

This intra court appeal under clause X of the Letters Patent is directed against the judgement and order dated 30.07.2018 passed by the learned Single Judge allowing the writ petition filed by the petitioners (respondents-workmen herein) claiming regularization of their service w.e.f. 01.10.2003 instead of 01.07.2014.

2. The grievance raised by the respondents-workmen in the petition was that their claim for regularization was pending and no final decision was taken. During the pendency of claim for their regularization, even the services of their juniors were regularized w.e.f. 01.10.2003 and in the meantime there was a change in the policy under which their services

were regularized w.e.f. 01.07.2014, though they were virtually entitled for regularization w.e.f. 01.10.2003.

3. Before the learned Single Judge, learned State counsel representing the appellants could not dispute the fact that the services of two of the workmen, namely, Ramesh Kumar and Chandan Sharma, who were admittedly junior to the respondents-workmen, were regularized. Thus, there was a concession given by the learned State counsel before the learned Single Judge that services of persons junior to the respondents-workmen were regularized w.e.f. 01.10.2003. The claim of the respondents-workmen was allowed on the basis of parity with the other similarly situated employees who were junior to him.

4. We fail to understand as to how a judgement based on concession given by learned State counsel is open to challenge in an appeal. In our considered opinion, the appeal is meritless and is not liable to be entertained as it is based on concession before the learned Single Judge and the same accordingly stands dismissed.

(KRISHNA MURARI)
CHIEF JUSTICE

(ARUN PALLI)
JUDGE

28.02.2019
Amodh

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