

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

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CWP No. 9537 of 2019

Date of decision : April 09, 2019

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Jai Bhagwan

.....Petitioner

Versus

State of Haryana and others

.....Respondents

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CORAM: HON'BLE MS. JUSTICE RITU BAHRI

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Present: Mr. Shanti Prakash, Advocate for the petitioner.

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RITU BAHRI, J.

The petitioner had approached this Court by way of CWP No. 8933 of 2018 for direction to the respondents to regularize his services as permanent conductors. However, vide order dated 16.4.2018 (Annexure P-8), he was allowed to withdraw the petition to make a suitable representation to the respondents as regards his grievance in the first instance. Hence the petition was ordered to be dismissed as withdrawn. The petitioner thereafter made a representation dated 26.4.2018 (Annexure P-9) before the respondents seeking regularization of his services as permanent conductor as all the contractual conductors who had worked for any continuous period of two years during the period from September 1993 to November 1997 are regularized in service as permanent conductors as per

the order dated 14.3.2001 passed by the General Manager, Haryana Roadways, Chandigarh. The petitioner, thereafter sent a reminder dated 13.6.2018 (Annexure P-10) to the respondents regarding the representation dated 26.4.2018 (Annexure P-9). The representation dated 26.4.2018 (Annexure P-9) was dismissed on 20.2.2019 (Annexure P-12).

Counsel for the petitioner has argued that the petitioner was appointed on contract basis as a Conductor. On 7.1.1996, he met with an accident and could not do his duties. Thereafter, on 11.5.1998, he made a request to re-engage him but he was not allowed to join the duties. Aggrieved on account of this, he filed CWP No.15287 of 1998 which was dismissed on 12.11.1998. However, in between, he was allowed to join duties on 28.11.1998 but was finally discharged on 22.3.1999. Counsel for the petitioner has referred to the order dated 14.3.2001 (Annexure P-4) whereby services of some of the conductors were regularized keeping in view that they had completed two years of service during 16.6.1994 to 7.1.1998 as per the policy of regularization of the contractual conductors and keeping in view the Instructions issued by the Transport Commissioner Haryana vide letters dated 23.3.1993 and 22.6.1998. Counsel for the petitioner submits that in the present case, instead of regularizing the services of the petitioner, his representation has been wrongly rejected by the impugned order dated 20.2.2019 (Annexure P-12).

After hearing counsel for the petitioner and going through the order dated 20.2.2019 (Annexure P-12), which transpires that the petitioner was discharged from duties on 22.3.1999 and thereafter he kept mum for a

period of 10 years. He filed CWP No.8933 of 2018 after a gap of almost 20 years. A perusal of the order dated 20.2.2019 (Annexure P-12) shows that the petition bearing 'CWP No. 15287 of 1998' filed by the petitioner for his reinstatement had been dismissed on 12.11.1998 and this order had attained finalty. The petitioner has not been in service since 7.1.1996 and hence his claim has been rightly rejected on the ground of delay. No ground is made out to interfere in the impugned order dated 20.2.2019 (Annexure P-12).

In view of all that has been discussed above, the present writ petition is hereby dismissed.

April 09, 2019
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(RITU BAHRI)
JUDGE

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