

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.10797 of 2013

Date of Decision: 06.03.2019

Director, Haryana State Lotteries
Department

... Petitioner

Versus

Sh. Ram Niwas and others

... Respondents

CORAM:- HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Ms. Shruti Jain Goyal, DAG, Haryana.

RAJIV NARAIN RAINA, J.(Oral)

1. This petition brought by the State of Haryana through the Director, State Lotteries Department, Panchkula has been pending since 2013 in challenge to the award of the Labour Court, Faridabad. The 1st respondent-workman remains unserved despite every effort made to serve summons on him. His whereabouts are not known.

2. Ms. Goyal appearing for the State submits that even the award dated September 17, 2012 awarding reinstatement with continuity in service and full back wages remains unimplemented so far. No execution proceedings have been taken out by the respondent in which the State has received summons from the Executing Court which can only be a civil court in Faridabad.

3. Following banning of lotteries in the State of Haryana the office of the Haryana State Lotteries Department is no longer functioning since 2005. No recruitment has taken place thereafter including of daily wagers in what appears presently to be defunct department. The status of the

department has been indicated in the affidavit of the Director submitted pursuant to the interim directions of this Court dated January 16, 2018 relating to closure of the department. It has been stated that the Department of Lotteries has been merged with the Department of Small Savings and has been re-named as Director, Small Savings and Lotteries, Department, Haryana by notification dated March 25, 2010. The assets and liabilities of the Lotteries Department is to be transferred to the new Department. All sanctioned and filled up posts in the Lotteries Department will be treated in the diminishing cadre. Only 19 posts remain manned in the merged departments pertaining to lotteries. Reinstatement is out of the question.

4. In the circumstances, the file is closed with liberty to the State to revive this petition in the event it receives summons from the executing court.

5. Meanwhile, file be consigned to the record room.

(RAJIV NARAIN RAINA)
JUDGE

06.03.2019
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Whether speaking/reasoned Yes

Whether reportable Yes/No