

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

LPA No.1155 of 2019 (O&M)

Haryana Seeds Development Corp. Ltd

.....Appellant

Versus

Birender Singh

.....Respondent

Date of decision: 22.07.2019

CORAM: HON'BLE MR. JUSTICE RAJIV SHARMA

HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

Present: Mr. Kuldeep Tiwari, Advocate for the appellant.

RAJIV SHARMA,J

CM No.2556-LPA-2019

In view of the grounds taken in the application, delay of 250 days in filing the appeal is condoned.

Civil miscellaneous application is allowed.

Main case

This letters patent appeal is instituted against the impugned judgment dated 10.9.2018 rendered by learned Single Judge of this court in CWP No.16220 of 2015.

Brief facts of this case are that the respondent-workman was appointed as Salesman on contract basis on 23.9.1986. He was given status of ad hoc employee on 19.2.1987. His services were thereafter terminated on 25.1.1988. He raised industrial dispute and the matter was referred to the Labour court. The Labour Court answered the reference in favour of the workman on 23.12.1994 while setting aside the termination of the respondent-workman with continuity of service. The award was challenged before this Court. The same was upheld vide judgment dated 28.5.2010.

Thereafter, LPA was preferred against order dated 28.5.2010, which was dismissed with the modification whereby the back wages have been reduced

from 100% to 50%. SLP filed against the LPA has also been dismissed, meaning thereby the award with the said modification has attained finality.

In these circumstances, the respondent approached this Court by way of writ petition seeking regularization from the date, his junior one Suresh Pal was regularized.

We have heard learned counsel for the appellant and perused the paper book thoroughly.

Since the respondent-workman has been granted continuity in service after setting aside his termination order, he has rightly been ordered to be regularized by the learned Single Judge from the date, his junior was regularized. The other contentions raised in the appeal were not agitated before the learned Single Judge.

Consequently, no fault could be found with the well reasoned judgment passed by learned Single Judge warranting any interference.

Dismissed with the costs of Rs.25,000/- to be deposited with the Punjab and Haryana High Court Bar Association, Chandigarh within one month.

(RAJIV SHARMA)
JUDGE

(HARINDER SINGH SIDHU)
JUDGE

July 22, 2019
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Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No