

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP-11568-2016

Date of decision: 13.02.2019

Deep Singh

...Petitioner

Versus

Managing Director Haryana Warehousing Corporation
and another

...Respondents

CORAM:HON'BLE MS. JUSTICE RITU BAHRI

Present: Ms. Kiranjeet Kaur, Advocate for
Mr. Ravinder Malik (Ravi), Advocate for the petitioner.

Mr. Lekh Raj Sharma, Advocate for respondent No. 1.

Mr. Rajesh Goyal, Advocate for
Mr. Pritam Saini, Advocate for respondent No. 2.

Ritu Bahri, J. (Oral).

The short question for consideration in the present writ petition is that petitioner, who was retrenched employee of HSMITC, has a right to get benefit of his past services rendered in HSMITC, after being appointed as fresh entrant in the Haryana Warehousing Corporation-respondent No. 1. This issue has attained finality in the ***LPA-570-2012 Jai Narain Kaushik and others V/s. State of Haryana and another*** decided on 04.02.2014. The LPA Bench has upheld the judgment passed by learned Single Judge and held that at the time of re-employment of the employees of HSMITC, they gave undertaking that they will not claim benefit of past services rendered in HSMITC. These employees were never asked to re-deposit the compensation received by them with the State Authorities and keeping in view the judgment of Supreme Court in ***Civil Appeal No. 4446 of 2008 State of Haryana Vs. Deepak Sood & Others***, decided on 15.07.2008, the condition imposed at the time of appointing employees of Corporation as

fresh entrants was not irrational and was perfectly justified. Since the

judgment of *Jai Narain Kaushik's case (supra)* had attained finality during the pendency of this writ petition, the respondent No. 1 has rightly passed the order dated 19.03.2018 (Annexure R-1/7) rejecting the claim of the petitioner for grant of benefit of past service rendered in HSMITC.

Learned counsel for respondent No. 2 further submits that *CWP-24308-2016 Prithvi Pal Singh and others Vs. State of Haryana and others*, and other connected cases involving the same issue, were also dismissed on 01.10.2018.

Keeping in view the above, the present writ petition is dismissed.

(RITU BAHRI)
JUDGE

13.02.2019
Divyanshi

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