

Sr. No.219

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

CWP No. 18527 of 2015 (O&M)

Date of Decision: 12.07.2019

Satpal

... Petitioner

Versus

Chandigarh Administration and others

... Respondents

CORAM:- HON'BLE MR. JUSTICE ARUN MONGA

Present:- Mr. Padamkant Dwivedi, Advocate,
for the petitioner.

Mr. Parminder Singh Kanwar, Advocate,
for respondent No.1-UT.

Mr. Ashish Rawal, Advocate,
for respondents No.2 and 3.

ARUN MONGA, J.(ORAL)

Admittedly, the petitioner was working as a 'Driver' on daily wage basis at the time of accident when he was driving the truck at the Garbage Dumping Yard wherein ragged picker lost her life and pursuant thereto, he was tried under Section 279 read with 304 A of Indian Penal Code and convicted for 09 months by the competent Criminal Court.

Having undergone the conviction, the petitioner approached the respondents for seeking reinstatement as a 'Driver' on daily wages as he had served uninterrupted for 11 years prior to the unfortunate accident.

In the return filed by the respondents, the claim of the

petitioner has been opposed primarily on the ground that petitioner was a 'daily wager' and being not a regular employee of the Corporation has no vested right to claim reinstatement in service.

It has been further stated that notwithstanding that he was a 'daily wager' his claim on reinstatement was considered and rejected, in accordance with law vide order dated 18.12.2015 (Annexure R-2/1) which in turn relied upon Circular/Instructions dated 05.08.1998 issued by Department of Personnel and Administrative Reforms, Government of Punjab.

Having heard learned counsel for the parties and perusing the rival pleadings, I am of the view that petitioner being a daily wager does not have a vested right to seek reinstatement after having been convicted by the competent criminal Court. In any case, being a 'daily wager' the remedy available to the petitioner is to seek his redressal by approaching under the Industrial Disputes Act and not under Article 226 of the Constitution of India by invoking extra ordinary writ jurisdiction of this Court.

I am not inclined to interfere and writ petition is, accordingly, dismissed.

No order as to costs.

12.07.2019

vandana

**(ARUN MONGA)
JUDGE**

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No