

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-22456-2013

Date of Decision: 27.08.2019

Dharambir and Ors

... Petitioners

vs.

Union of India and Ors

.. Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present : None for the petitioners.

Mr. Vipul Aggarwal, Advocate, for the respondent-UOI.

ARUN MONGA, J.(ORAL)

Grievance of the petitioners is that their services were illegally terminated notwithstanding they had worked as Daily Wagers with respondent No.3 from 1990 to 1995.

2. *Prima facie*, I am of the view that the writ petition has been filed after an inordinate delay and the same is hit by delay and latches. However, even otherwise, in the return filed to the writ petition, a pointed stand has been taken by the respondents in the following terms:

“That the present petition is totally misconceived and no direction can be granted in favour of the petitioners to reinstate them, as they were not permanently employed nor had ever worked as a daily wager, but were employed on need based requirement at different intervals of time and they had never worked continuously and they had not worked for 240 days in a calendar year, as per the muster roll. As a matter of fact, petitioners were engaged for work which arised due to any additional work load in Supply Depot ASC, Hisar. They were neither employed on daily wages nor on regular basis but on

need based requirement. It is pertinent to mention here that 390 Company ASC Supply, Hisar Type 'D' was raised in the year 1994 with an authorization of 48 labourers. However, no permanent labour was employed but labour on need based requirement was employed. In the year 1992, 37 permanent labours were recruited in this unit and thereafter, on 14.03.1994 this Depot was downgraded to Type 'B' and the authorization of permanent labour was reduced to 32 but already the unit was having 37 permanent labours. So, there is no reason of recruitment of any fresh permanent labour being already surplus. Thereafter, on 31.05.2010, 202 Petroleum Platoon ASC was raised by carving out from the said Supply Depot ASC, Hisar. So, the requirement of casual labour also got reduced and the petitioners were informed verbally that they can be provided work till February, 2012 only. And thereafter, they had to search for work somewhere else. So, the petitioners were never employed on permanent basis, but on need based requirement at different intervals of time. So, on the score alone, the present petition deserves dismissal.”

3. In view of the aforesaid, no ground is made out to interfere under extraordinary writ jurisdiction vested by virtue of Article 226 of Constitution of India. The petition is, accordingly, dismissed with liberty to the petitioners to seek any other appropriate alternative remedy, if so advised

27.08.2019
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(ARUN MONGA)
JUDGE

Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No