

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

DHARAM VIR
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**CWP No.2164 of 2016
Date of Decision: 17.12.2019**

Jasbir Singh

... Petitioner

Versus

Municipal Corporation and others

... Respondents

CORAM:- HON'BLE MR. JUSTICE ARUN MONGA

Present:- Mr.Ashok Kumar Nabhewala, Advocate,
for the petitioner.

Ms.Deepali Puri, Advocate,
for respondents No.1 and 2.

Mr.Rakesh Sobti, Advocate,
for respondents No.3 and 4.

ARUN MONGA, J.(ORAL)

1. Petitioner herein seeks for issuance of a writ of mandamus directing the respondents No.1 and 2 to regularise the services of the petitioners from the date their juniors have been regularised with all consequential relief.

2. Conceded position on the merits emerging from the perusal of the return filed by the respondent-Municipal Corporation viz.a.viz. UT Administration is that the petitioner has been working uninterruptedly with Municipal Corporation since 20.05.1996. The ostensible reason of not according him the benefit of regularisation is some alleged dispute with regard to the parentage of the petitioner.

3. Learned counsel for the Municipal Corporation also does not dispute that the employees who are far more junior than the petitioner have already been granted regularisation. On the other hand, petitioner has been denied similar benefit on the ground that his name did not find mention in the list of employees transferred from UT Administration to the Municipal Corporation at the relevant time, so, his case has been kept pending.

4. Be that as it may, it is evident that the petitioner has indeed been working w.e.f. 20.05.1996 and it is irrelevant whether his name was included in the list of transferred employees or not, nor even his parentage for the purpose of grant of regularisation is of any consequence or significance. On none of these flimsy grounds he can, therefore, be denied the benefit of regularization, as long as it is established that his juniors have been accorded the benefit of regularisation.

5. As an upshot of the discussion above and reasoning contained therein, the writ petition is allowed and respondent-Municipal Corporation is directed to pass appropriate orders to grant regularisation to the petitioner with effect from the same date as his juniors were regularised alongwith all consequential benefit like re-fixation of salary etc. However, the arrears of salary shall be confined to 38 months prior to filing of the writ petition.

6. Needful be done within a period of 3 months.

(ARUN MONGA)
JUDGE

17.12.2019

dharamvir

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No