

Sr. No.218

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

CWP No.7952 of 2014 (O&M)

Date of Decision: 03.07.2019

Parshant Hans

... Petitioner

Versus

State of Punjab and others

... Respondents

CORAM:- HON'BLE MR. JUSTICE ARUN MONGA

Present:- Mr. R.K.Arora, Advocate,
for the petitioner.

Ms. Ambika Bedi, AAG, Punjab.

Mr. Vijay Kumar Kaushal, Advocate,
for respondent No.3 and 4.

ARUN MONGA, J.(ORAL)

Following prayer has been made in the instant writ
petition:-

a) issue a writ in the nature of certiorari/mandamus or such other appropriate writ, order or directions quashing the impugned order dated 21.06.2013 (P-16) whereby, the claim of the petitioner for his regularization has been declined on the ground that adverse remarks have been recorded in his ACR for the period 26.10.2012 and 31.03.2013 and further the representation of the petitioner for expunging the adverse remarks for the aforesaid period has been declined vide impugned order dated 26.02.2014 (P-22), as patently, illegal, arbitrary, malafide and unconstitutional;

b) Issue a writ in the nature of Mandamus directing the

respondents to reconsider the impugned orders because the same are totally illegal, cryptic and non-speaking and to direct the authorities to expunge the adverse remarks recorded against the petitioner in violation of the Government Instructions and also contrary to the record and recorded with malafide intention only because the petitioner earlier approached this Hon'ble Court in CWP No.19830 of 2008 seeking appointment and thereafter CWP No.3729 of 2012 seeking deemed date of employment with others who were selected and appointed alongwith him in pursuant to the same advertisement dated 14.10.2007 and for regularization'

c) issue a writ in the nature of Certiorari quashing the adverse remarks recorded in the ACR of the petitioner for the period 26.10.2012 to 31.03.2013 which clearly shows malafide of the respondents and the same have been written in violation of the Government instructions just to deprive the petitioner his claim for regularization and still further directing the respondents to regularize the services of the petitioner from the date other similarly situated and juniors have been regularized, with all consequential benefits in terms of the Government Instructions;

d) such other appropriate writ, order or direction as this Hon'ble Court may deem fit in the facts and circumstances of the instant case;

e) filing of certified copies of the annexures may be dispensed with;

f) issuance of advance notices to the respondents may be dispensed with;

g) record of the case may be summoned from the respondents;

h) costs of the writ petition may kindly be allowed to the petitioner;

2. Learned counsel for the petitioner submits that during pendency of the writ petition, the relief with regard to seeking regularization of services of the petitioner has been rendered infructuous as he has been regularized with effect from 24.12.2016. He submits that petitioner has, however, not been given the benefit of retrospective regularization with effect from 18.06.2013 by denying him the benefit of parity with similarly situated employees who have been regularized with effect from 18.06.2013.

3. I am of the view that the petitioner having been regularised, the entire prayer made in writ petition is rendered infructuous. As regards the relief of date of regularization, the same is beyond the scope of present proceedings. However, the writ petition is disposed of with an observation that petitioner is at liberty to seek appropriate remedy qua the order dated 14.06.2017, for mitigation of his grievance, as pointed out by learned counsel for the petitioner.

4. Disposed of in above terms.

03.07.2019

vandana

**(ARUN MONGA)
JUDGE**

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No