

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

**CWP-557-2019 (O&M)
Date of Decision:11.01.2019**

Swaran Singh

... Petitioner

Versus

State of Punjab & others

... Respondents

CORAM:- HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA.

Present: Mr. Jagdish Manchanda, Advocate for the petitioner.

...

TEJINDER SINGH DHINDSA, J. (ORAL)

Counsel has submitted that the petitioner was initially engaged as a daily wage driver with the Erstwhile Punjab State Electricity Board in the year 1985. As per counsel, services of the petitioner were regularized on the post of driver w.e.f. 11.12.2009 and he continues to discharge his duties on the post of driver to the complete satisfaction of the Board.

Instant writ petition has been filed praying for a mandamus to direct the competent official authorities to grant to him ante dated benefit of regularization w.e.f. the date when certain juniors were so regularized.

Having heard counsel for the petitioner at length and having perused the pleadings on record, this Court is unable to accept the prayer made in the petition.

Placed on record and appended along with the writ petition at Annexure P-4/T is a letter dated 11.12.2009 on the subject – ***“appointment letter for the post of regular driver”***. Such appointment letter had been issued in favour of the petitioner. Perusal thereof would reveal that the

petitioner was granted regular appointment w.e.f. 11.12.2009 and had been placed on probation for a period of two years. Furthermore, Clause 3 of the terms and conditions of the appointment letter clearly spelt out that it was a fresh appointment for all intents and purposes.

In the considered view of this Court, the petitioner has filed the instant petition on a wholly erroneous premise. He is wanting a letter of fresh appointment dated 11.12.2009 at Annexure P-4 to be read as an order of regularization. The same cannot be accepted in view of the terms and conditions contained in the letter of appointment itself.

There would be an aspect of delay as well. The letter of appointment having been issued on 11.12.2009 (Annexure P-4), petitioner joined on the post without protest and accepted such appointment that was offered to him. It would be too late in the day for the petitioner to now contend that such fresh appointment be treated as an order of regularization and thereafter now in the year 2019 to be ante dated to a date when certain other daily wage employees had been regularized. Acceptance of such a claim would virtually amount to unsettling settled matters.

In view of the above, the prayer made in the instant petition is rejected.

Petition is dismissed.

11.01.2019

harjeet

(TEJINDER SINGH DHINDSA)
JUDGE

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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |