

Sr. No.107

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

CWP-8931 of 2020 (O&M)

Date of Decision: 01.07.2020

Shamsher Singh

...Petitioner

Versus

State of Haryana and others

... Respondents

CORAM:- HON'BLE MR. JUSTICE ARUN MONGA

Present:- Mr. Tara Chand Dhanwal, Advocate,
for the petitioner.

Ms. Upasana Dhawan, DAG, Haryana.
(Presence marked through video conference)

ARUN MONGA, J. (ORAL)

Petitioner herein seeks issuance of a writ in the nature of certiorari to quash the impugned order bearing No.63 dated 27.10.2017 whereby, the claim of the petitioner for regularization has been rejected. Further prayer has been made to direct the respondents to regularize him in accordance with Instructions/Notifications (Annexures P-4 to P-6) from the date of his initial appointment, when his juniors were regularized, along with all consequential benefits.

2. Learned counsel for the petitioner submits that petitioner was appointed as Beldar on 12.04.1990 on monthly wages @ 2400/- per month. He continuously worked till 19.03.2004 until his services were terminated on 20.03.2004. However, pursuant to the award dated 04.06.2006, passed by Labour Court, Hisar, the petitioner was reinstated into service. Yet he has not been given the benefit of regularization in terms of policy/instructions, *ibid*. Hence this petition.

3. Notice of motion.

4. Ms. Upasana Dhawan, DAG, Haryana who has joined proceedings, on service of advance copy of petition, accepts notice on behalf of State of Haryana.

5. Given the nature of order being passed, there is no necessity to seek return by any of the respondents as no further proceedings and/or pleadings are required.

6. Without commenting on the merits of the case, the writ petition is disposed of with a direction to the competent authority to objectively consider the case of the petitioner for regularization in view of Instructions/notifications (Annexures P-4 to P-6) and also by keeping in view the contentions stated in the present writ petition by treating it as a supplementary representation and pass a speaking order, in accordance with law.

7. Let the needful be done within a period of three months from today. In case petitioner is found entitled to the benefit as contended by him, same be accorded to him within 60 days thereafter.

8. Disposed of in above terms.

(ARUN MONGA)
JUDGE

01.07.2020
vandana

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No