

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No. 23598-2016
Date of decision:-04.02.2020

Balwan Singh

.....Petitioner

vs.

State of Haryana and ors.

....Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

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

Mr. Harish Nain, AAG, Haryana

RITU BAHRI, J.(Oral)

Petitioner is seeking issuance of direction to the respondents to regularize his services, as he is working since 1978 with the respondent-department.

On notice of the petition, an affidavit dated 05.04.2017 has been filed stating therein that the case of the petitioner was considered for regularization in compliance of orders dated 19.09.2003 passed in CWP No. 14967-2003 by this Court but he was not found eligible as he did not fulfill the required conditions of regularization policies of 1993/1996. Hence his case was rejected vide office order dated 15.01.2004. This order was challenged by the petitioner by filing Civil Suit No. 86-2005 in the Civil Court at Pehowa. The suit was dismissed on 21.10.2009 after going through the documentary evidence produced by the respondent-department giving month-wise details of working days of the petitioner from December 1996 to September, 2003. No appeal was filed by the petitioner against judgment dated 21.10.2009. Further during the pendency of Civil Suit No. 86-2005,

the petitioner left the work in October, 2008 at his own sweet will and rejoined in April 2009 and again left the work in September, 2009. After dismissal of the suit, the petitioner approached Labour Court and vide award dated 29.02.2012, the petitioner was granted benefit of reinstatement in service with continuity of service with 50% backwages. The respondent then filed CWP No. 17106-2012 against award dated 29.02.2012, which was allowed vide judgment dated 12.05.2015. The Labour Court was directed to decide the case expeditiously as possible within a period of eight months after giving opportunity to the parties. On 14.09.2015, the petitioner made his statement before the Labour Court that he has been reinstated in service by the respondent-Management w.e.f 01.09.2012 and continuing in service since then. He did not press his claim of wages prior to reinstatement in service and the reference be disposed of as infructuous.

Heard learned counsel for the parties.

After going through the affidavit, at best, at this stage, no ground is made out for issuance of direction to the respondents to regularize the services of the petitioner as per policy dated 1993/1996. The petitioner has accepted his date of regularization since 2012, as per his statement given before the Labour Court.

In view of the about factual position, the present writ petition is dismissed.

04.02.2020
G Arora

(RITU BAHRI)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No