

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

**CWP No.5349-2016 (O&M)
Date of Decision:24.01.2020**

Mukesh Chand

.....Petitioner

Versus

Power State Power Corporation Ltd. through Chief Engineer HRD Patiala

.....Respondent

CORAM: HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

Present:- Ms. Sushma Chopra, Advocate for the petitioner.

Mr. Hittan Nehra, Advocate for the respondent.

TEJINDER SINGH DHINDSA J.(Oral)

Petitioner was initially appointment on the post of Lower Division Clerk/Typist under the earswhile Punjab State Electricity Board on 18.11.1982 on adhoc basis. Vide office order dated 20.09.2004 at Annexure P-4, the services of the petitioner alongwith other similarly situated employees were regularized w.e.f. the date of the order itself i.e.20.09.2004.

The precise claim in the instant petition is for grant of benefit of regularization w.e.f. 01.02.1996 instead of 20.09.2004 in terms of the Board's Policy on the subject as also on the ground that juniors have been regularized w.e.f. such date.

During the course of the arguments, it has gone uncontroverted that two other employees namely Balbir Singh Kalsi and Surender Singh who had also been granted benefit of regularization w.e.f. 20.09.2004 had

approached this Court seeking identical relief i.e. antedated regularization w.e.f. 01.02.1996 by filing a CWP No.19800 of 2015 titled as Surrender Singh Vs. PSPCL and others and CWP No.6038 of 2011 titled as Balbir Singh Kalsi Vs. PSPCL and others. Both the aforementioned writ petitions stand allowed by the learned Single Judge and the aforementioned two employees have been held entitled for regularization of their services w.e.f. 01.02.1996. Copies of the judgements passed by the writ Court in the case of the two aforementioned employees stand appended as Annexures R1 and R2 alongwith reply filed on behalf of the respondent-Corporation. Furthermore, in the reply it has been conceded that against the judgment of the learned Single Judge, in the case of Balbir Singh Kalsi i.e. CWP No.6038 of 2011 no LPA has been filed and orders have already been implemented. In the case of Surrender Singh i.e. CWP No.19800 of 2015 decided on 11.10.2018, Corporation preferred LPA No.423 of 2019 and which was dismissed by the Letters Patent Bench vide order dated 05.02.2019.

Counsel representing the Corporation concedes that the claim in the instant writ petition would be squarely covered in terms of judgment passed by this court in Balbir Singh Kalsi Vs. PSPCL and others (Annexure R-1 alongwith the written statement) and Surrender Singh Vs. PSPCL and others (Anenxure R2 alongwith the written statement).

In view of the above the instant writ petition is allowed in terms of the afore-noticed two judgments, copies of which have been appended as Annexures R1 and R2 alongwith the written statement.

Since the matter has already remained pending for a long period of time, respondent-Corporation is directed to issue orders treating the

petitioner to be regularized in service w.e.f. 01.02.1996 and on the basis of such date should release in favour of the petitioner all consequential benefits within a period of four weeks from the date of receipt of certified copy of this order.

Disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

January 24, 2020

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Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No