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

LPA No.747 of 2021 (O&M)

Date of Decision: 10.11.2021

Satpal

..... Appellant

Versus

State of Haryana and others

..... Respondents

**CORAM: HON'BLE MR. JUSTICE G.S. SANDHAWALIA
HON'BLE MR. JUSTICE VIKAS SURI**

Present: Mr. Sunil Kumar Bhardwaj, Advocate
for the appellant.

(The proceedings are being conducted through video
conferencing, as per instructions).

G.S. SANDHAWALIA J. (ORAL)

The challenge herein is to the order dated 04.09.2020, passed by the learned Single Judge in **CWP No.13621 of 2020** on account of the delay in filing the writ petition wherein the relief of regularization was sought under the policy of 01.10.2003. The learned Single Judge has noticed that there is inordinate delay in filing the writ petition from the date of receipt of the information under the RTI Act and no satisfactory explanation about the delay has been brought-forth.

Learned counsel for the appellant is at pains to make out a challenge to the order of the learned Single Judge on merits. However, a perusal of the paper book would go on to show that even on merits as such the appellant would not have any case even if the matter is remanded. It is to be noticed at the first instance, that the appellant had sought regularization w.e.f. 01.02.1996 by filing a Civil Suit on 25.02.2004. The

said suit was dismissed on 27.02.2009 (Annexure P-1) qua the appellant, who was plaintiff No.1 therein, on account of the delay. The said judgment was stated to have been challenged by filing an appeal before the District Judge and the same was remanded vide judgment dated 27.03.2010. Thereafter, on remand the suit was again dismissed on the ground of limitation after framing specific issue of limitation. Thereafter, the appeal filed was dismissed on 21.08.2014 by the Lower Appellate Court on account of delay of 1895 days. The appellant chose not to further litigate for the said issue.

However, he filed CWP No.11678 of 2005 along with others in which termination of the petitioners was stayed on 01.08.2005. The writ petition is stated to have been disposed of on 20.10.2005, in terms of CWP No.6021 of 2005 - Vinod vs. State of Haryana and others, wherein directions were issued to reconsider the petitioner's case for regularization. It is not disputed that on 20.04.2006 (Annexure P-4) the petitioner's case was duly considered and it was affirmed that the petitioner had duly worked for 127 days in the calendar year of 1996, 119 days in 1997 and 138 days in 1998 and therefore, as per the policy of 2003, having not completed 240 days in any calendar year, he was not entitled for regularization under the 2003 policy. It is not disputed that the writ petition was thereafter filed only after collecting the RTI information dated 12.03.2013 (Annexure P-5), after a period of seven years which has led to the learned Single Judge dismissing the same.

As per the policy of 2003 for regularization (Annexure P-7), the appellant had to have completed three years of service on 30.09.2003 and was to be in service on 30.09.2003 for consideration of regularization and to have worked for a minimum period of 240 days in each year. Working of the petitioner as such is shown in Annexure P-5 which pertains to the year 1993-1998 and does not have reference that he was in employment for three years prior to 30.09.2003. In such circumstances, even on merits as such, no case for regularization as per the policy of 2003 could also be made out.

Keeping in view the facts and circumstances of this case, this Court is of the opinion that no case is thus made out to interfere with the impugned order passed by the learned Single Judge on the ground of delay as it does not suffer from any irregularity or infirmity. The appellant has not been able to show from the ambit of any policy that the State has wrongly passed the order denying regularization, on 20.04.2006.

Accordingly, the appeal is dismissed.

(G.S. SANDHAWALIA)
JUDGE

(VIKAS SURI)
JUDGE

November 10, 2021

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Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No