

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

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**LPA-365-2019 (O&M)
Decided on : 27.07.2022**

Dakshin Haryana Bijli Vitran Nigam Ltd. & others ... Appellants

Versus

Vijay Kumar & others ... Respondents

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

Present: Mr. Deepak Balyan, Advocate, for the appellants.

Mr.Jagdish Manchanda, Advocate, for respondents No.1 to 14.

Mr.Rajesh Gaur, Addl.A.G., Haryana.

G.S. Sandhawalia, J. (Oral)

CM-819-LPA-2019

Application for condoning the delay of 123 days in refiling the appeal is allowed, in view of the averments made in the application duly supported by the affidavit.

CM stands disposed of.

CM-820-LPA-2019

Application for condoning the delay of 54 days in filing the appeal has been filed.

No reply to the same has been filed.

Accordingly, the application is allowed, in view of the averments made in the application duly supported by the affidavit. Delay of 54 days in filing the appeal is condoned.

CM stands disposed of.

LPA-365-2019

Challenge in the present appeal, filed by the appellant-Nigam, is to the judgment passed by the learned Single Judge dated 25.05.2018 passed in CWP-10881-2018 wherein the claim of writ petitioner Nos.1 & 11, Vijay Kumar & Smt. Guddi who were working as part-time sweepers for regularization had been rejected on the ground that they do not fulfill the conditions of not having been appointed against duly sanctioned posts.

A perusal of the table and the date of joining of the petitioners would go on to show Vijay Kumar was appointed on 01.10.1990 and Guddi Devi (wife of Rajpal) was appointed on 01.05.1992 and thus, had completed the requisite 10 years of service on 10.04.2006. It is thus in such circumstances the writ petition had been filed claiming regularization of the 14 writ petitioners. The learned Single Judge while disposing of the writ petition placed reliance upon the decision in CWP-29171-2017 titled *Rajender Kumar & others Vs. The State of Haryana & others*, decided on 17.04.2018.

It is not disputed that LPA-399-2019 filed by the appellant-Nigam against the decision in CWP-29171-2017 has been dismissed on 21.07.2022 with other bunch of cases wherein reference has also been made to LPA-837-2018 decided on 19.07.2022, wherein we have dealt with the issue regarding availability of sanctioned posts for the Class-IV employees.

Keeping in view the reasons given in the above said appeal,

we are of the considered opinion that the present appeal is also liable to dismissed. Ordered accordingly.

(G.S. SANDHAWALIA)
JUDGE

July 27, 2022
sailesh

(VIKAS SURI)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No