

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

CWP-1414-1997 (O&M)

Date of decision: April 25, 2022

Pardeep Kumar Sharma

.....Petitioner

versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present: Mr. Kapil Aggarwal, Advocate,
For the petitioner.

Mr. Deepak Bhardwaj, DAG, Haryana.

ARUN MONGA, J. (ORAL)

Petition was filed in the year 1997, *inter alia*, for issuance of a writ in the nature of Mandamus directing the respondents not to terminate the services of the petitioner who had been serving in the Forest Department for the last more than 8 years as a daily paid worker.

Petition was admitted on 13.02.1998.

Having heard the learned counsel for the parties, I am of the view that with passage of time, relief sought by the petitioner has become stale, inasmuch as, he is seeking quashing of an order dated 10.01.1997 vide which his services were terminated as daily wager. Assuming the said order is set aside, petitioner having turned about 62 years as on today cannot be taken back as daily wager and to what avail?. Even otherwise, having perused the speaking order (Annexure R-1/1), I am not inclined to accept that impugned orders deserve to be set aside. For ready reference, reasons given by the Punishing authority in speaking order are reproduced herein below:

“In this way Sh. Pardeep Kumar Sharma Labour himself abandoned the services on 11.01.1997 with his own will thus it is clear that petitioner was not interested in doing work.

XXX

XXX

The provisions of Haryana Government regularization policy dated 07.03.1996 are as under:

“The casual and daily rated employees who have completed five year service on 31st January 1996 and were in service on 31st January 1996 shall be regularized provided they have worked for a minimum period of 240 days in each year and the break in service in any year is not more than one month at a time. Such employees who have worked on different posts having different designation in the same department shall also be regularized if they fulfill other conditions. On regularization they shall be put in the time scale of pay applicable to the lowest Group ‘D’ cadre in the Government and they would be titled to all other allowance and benefits available to regular Government servants of the corresponding grade.”

Thereafter, the Haryana Government on 18.03.1996 made following amendments in policy dated 07.03.1996:-

“The matter has further been considered and after careful consideration it has now been decided to regularize the services of all those work-charge/casual/Daily rated employees who have completed 3 years of service on 31st January, 1996 and fulfill other conditions laid down in Haryana Government letter of even number dated 7th March 1996.

Accordingly, Government instructions issued vide letter of even number dated 7th March 1996 should be considered as modified to the extent that the work-charged/casual/daily-rated employees with 3 years service on 31st January, 1996 instead of 5 years service on 31st January, 1996 shall be eligible for regularization”

It is clear from the above mentioned fact that Sh. Pardeep Kumar Sharma labour has not complied with the conditions of the Haryana Government Policy for the year 1996 and therefore, the services of Sh. Pardeep Kumar Sharma cannot be regularized as he has not complied with the conditions of Haryana Government Policy for the year 1996.”

I find no irregularity in the aforesaid, either in facts or in law.

In the premise, no grounds are made out to interfere in the view taken by the punishing authority.

In the parting, I would also like to note that petitioner has not challenged the delinquency attributed to him and/or findings qua abandoning

work on his own volition, rendered by punishing authority by any departmental separate proceedings and having acquiesced the same, therefore, it is now too belated a stage to agitate the same.

Writ petition is dismissed.

(ARUN MONGA)
JUDGE

April 25, 2022
vandana

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