

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

**LPA-401-2019 (O&M)
Decided on : 28.07.2022**

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

Versus

Azad Singh & 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.S.P.Chahar, Advocate, for the respondents.

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

G.S. Sandhawalia, J. (Oral)

CM-921-LPA-2019

Application for condoning the delay of 185 days in refiling the present appeal is allowed, in view of the averments made in the application, duly supported by affidavit. Delay of 185 days in refiling the appeal is hereby condoned.

CM stands disposed of.

CM-922-LPA-2019

Application for condoning the delay of 111 days in filing the present appeal is allowed, in view of the averments made in the application, duly supported by affidavit. Delay of 111 days in filing the appeal is hereby condoned.

CM stands disposed of.

LPA-401-2019

Challenge in the present appeal, filed by the appellant-Nigam, is to the judgment passed by the learned Single Judge dated 09.01.2018 passed in CWP-7978-2016. The learned Single Judge had disposed the case in terms of the judgment passed in CWP-11368-2012 titled *Gian Chand & others Vs. Haryana Vidyut Parsaran Nigam Ltd. & others*, on 22.04.2014 and LPA-1126-2014 challenging the same was also dismissed.

A perusal of the record of the said writ petition would go on to show that challenge by the five writ petitioners therein was to the order dated 12.11.2013 (Annexure P-7) wherein their claim for regularization was rejected on the ground that Azad Singh, respondent No.1 was engaged as part-time Sweeper on 01.09.1995 and his name had not been sponsored by the Employment Exchange nor recommended by the Departmental Selection Committee. Similarly, vide orders of even date, the claim of Kiran Devi, respondent No.2 who was appointed on 21.05.1996 was rejected whereas the case of Kamlesh, respondent No.3 who had been working since 08.08.1994 was also rejected. Regarding respondent No.4, Juglal and respondent No.5, Jaibhagwan who had also joined on 01.04.1993 and 01.05.1995, respectively the claim had been rejected. Thus, all of them had acquired the requisite period of 10 years as on 10.04.2006 which was the cut-off date fixed and as per the policy dated 29.07.2011 on the basis of which they were seeking consideration.

It is not disputed that the policy is applicable to part-time

workers also and the issue whether they were appointed on a sanctioned post and after following proper selection process has already been considered by this Court in LPA-1316-2018 titled *Haryana Vidyut Parsaran Nigam Ltd. & others Vs. Madan Lal & others* decided on 12.07.2022 and LPA-837-2018 titled *Haryana Vidyut Parsaran Nigam Ltd. & others Vs. Darshan Singh & others* decided on 19.07.2022, filed by the Nigam.

Accordingly, for the reasons given in the above-said cases, we are of the considered opinion that the present appeal is liable to be dismissed. Ordered accordingly.

(G.S. SANDHAWALIA)
JUDGE

July 28, 2022
sailesh

(VIKAS SURI)
JUDGE

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