

Sr. No.327

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-17898-1996

Date of decision: 05.04.2022

Rajbir

...Petitioner

Vs.

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present: None for the petitioner.

Mr. R.K.S. Brar, Additional A.G., Haryana.

ARUN MONGA, J. (ORAL)

Petition was filed in the year 1996, *inter alia*, seeking issuance of a writ in the nature of mandamus directing the respondents to regularize the petitioner on the post of White Washer in Group 'C' category (Class III) instead of Group 'D' Class (IV).

2. Petition was admitted on 10.03.1998.

3. When called out for hearing, there is no representation on behalf of the petitioner. It seems that by sheer effluxion of time and pendency of the writ petition for more than 25 years before this Court, either it has been rendered infructuous or even otherwise the petitioner seems to have lost interest in pursuing the same.

4. In any case, it appears that even on merits claim of the petitioner is not admissible in view of the following stand taken in para 4 of the reply, which is reproduced herein for ready reference:

"4. That the contents of this para are wrong and denied. It is absolutely incorrect that the petitioner has worked as White Washer since 1.1.1984 continuously. From the year 1988 to 31.1.1994, petitioner has worked as Beldar/Mali-cum-Chowkidar upto 10/88 again, he has worked as Chowkidar in the month of 7/89, 7/91, 12/91, 2/92 and 3/92 again, he has worked as Mali-cum-Chowkidar during 6/90. Of course he has worked for a period of white washer also. The petitioner never worked as white washer continuously. He used to be put on work as muster roll as per the requirement at site of work. If we take him as white washer since 11/88 to 3/93 (Though it is not so as per record of answering respondent) even then he is not entitled to be regularized as a white washer in view of the requirement of the Govt. Policy of 5 years service. The petitioner has not worked 240 days as white washer in the year

1.4.88 to 31.3.89. So from any point of view the petitioner is not in a position to be regularized as a White Washer grade “C” post.”

5. Be that as it may, writ petition is disposed of with liberty to the petitioners to file an appropriate application in case, any cause of action still survives.

05.04.2022

vandana

(ARUN MONGA)

JUDGE

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No