

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

Sr. No.397

CWP-17437-1997 (O&M)

Date of decision: May 30, 2022

Karan Singh

...Petitioner

Versus

State of Haryana and Others

...Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present: None for the petitioner.

Mr. R.D. Sharma, Deputy Advocate General, Haryana.

ARUN MONGA, J. (ORAL)

Petitioner, *inter alia*, seeks issuance of a writ in the nature of mandamus, commanding the respondents to regularize his services as Mortar Mate instead of Beldar.

2. Petition was admitted for hearing on 20.05.1998.

3. When taken up for final adjudication, there is no representation on behalf of the petitioner. Even on the last date none appeared on behalf of the petitioner. In the premise, this Court had directed the registry to issue notice Sh. Gurinder Pal Singh, Advocate for the petitioner. Though the counsel has been informed through email yet none appears.

4. It seems that by sheer effluxion of time and pendency of the writ petition for more than 24 years before this Court, it has been rendered infructuous and/or the petitioner seems to have lost interest in pursuing the same. Furthermore, the petitioner is stated to have retired from service on 31.03.2011.

5. In any case, from perusal of record/pleadings, it appears that even on merits, claim of the petitioner is not admissible. Reference may be had in particular to the stand taken in para No.1 of the preliminary objections of the written statement filed on behalf of respondents No.1 to 3.

“1 . That the present writ petition is not maintainable as the petitioner's case for regularization of his services was considered and accordingly he was regularized and was put in the time scale of pay applicable to the Group 'D' cadre in the State. He was made

entitled to all the allowances and benefits available to a regular Govt. servant of the corresponding grade. Of course, the petitioner did not fulfill the requisite conditions for regularization of the Govt. policy dated 27 May, 1993 but taking a lenient view he was made regular against the post of Group 'D' cadre. Moreover, in the earlier CWP No.1237 of 1989 and CWP No.11580 of 1994 it has been consistent stand of the respondent that petitioner was engaged as Beldar/Chowidar on 24.03.1986 on daily wages on Muster roll. Therefore, the petitioner cannot insist regularization for the post of Mortar Mate when he was engaged as Beldar/Chowkidar. However, he has already been made regular as Beldar."

6. Learned State Counsel would argue that the petitioner can be regularized only on the post he has been appointed and cannot insist that he be regularized on a post that he has never worked. Petitioner was engaged as Beldar/Chowkidar on daily wages in 1986 and his services have been duly regularized.

7. I am in agreement with the stand taken by the respondents. Neither any replication nor any additional affidavit of any kind has been filed to the afore-noted stand of the respondents to controvert the same.

8. In view of the aforesaid, no grounds are made out to interfere.

9. Dismissed.

(ARUN MONGA)
JUDGE

May 30, 2022

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Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No