

478 (1st case)

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP-14676-2001

Date of decision: 06.09.2022

Krishan Chand

...Petitioner

Vs.

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present: None for the petitioner.

Mr. R.D.Sharma, DAG, Haryana.

ARUN MONGA, J. (ORAL)

Petition herein, *inter alia*, is for issuance of a writ in the nature of mandamus directing the respondents to regularize his services on the post of Helper and further not to terminate him from service.

2. Petition was noticed for hearing on 20.09.2001.

3. When taken up for final adjudication, 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 20 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. By sheer effluxion of time, the relief sought for by the petitioner is stale and petition is rendered infructuous.

5. In any case, from a 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 1 and 2 of preliminary objections

of written statement filed on behalf of respondent No.1 to 3 and the same reads as under:-

“1. That in the order dated 10.09.2001, Annexure P-12 the name of the petitioner has not been mentioned. The department can retain the excess staff under Section 25 F and ‘N’ of Industrial Disputes Act. So the order dated 10.09.2001 is legal and justified. However, the petitioner is still in service and no action has been initiated against him.

2. That the services of the petitioner are not entitled to be regularized as the service period do not cover by any of the instruction issued by the Haryana Govt. The petitioner was appointed as helper on daily wages vide order dated 12.08.1996 (Annexure P-9) and he was to be given six months seniority only. So the petitioner is not entitled to get regularization of his services.”

Learned State counsel has canvassed arguments on similar lines as the stand taken in the written statement.

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

7. In the overall premise, I see no irregularity of any kind committed by the Department as to warrant any judicial intervention of this Court.

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

9. Dismissed.

(ARUN MONGA)
JUDGE

September 06, 2022

Vandana

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No