

478 (2<sup>nd</sup> case)

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

**CWP-14856-2001**

**Date of decision: 06.09.2022**

Rajinder Singh

...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.

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**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 24.09.2001.

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 of preliminary objections of

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

*“1. That the claim of the petitioner for regularization is liable to set aside on the ground that the appointment of the petitioner w.e.f. 15.11.1995 in view of the undertaking given by the petitioner on 27.10.1995 and the order passed by the learned labour Court dated 27.10.1995 prima facie shows that service rendered from 1989 till re-appointment in service in the year 1995 has been foregone by the petitioner himself, true translated copy of the statement before the learned Labour Court dated 27.10.1995 and the order passed by the learned Labour Court are Annexed as Annexure R-I and R-II. Since the appointment of the petitioner on 15.11.1995 was a fresh appointment so the petitioner cannot be allowed to say that he is continue in service since 1989. The petitioner cannot be regularized as he is not fulfilling the requisite conditions of regularization policy. The petitioner has concealed the true and material facts from this Hon’ble Court intentionally and deliberately so the present writ petition is liable to be dismissed with exemplary costs.”*

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**