

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

Sr. No.587

CWP-16019-1999 (O&M)

Date of decision: May 19, 2022

Isan Khan

...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)

Petition was filed in the year 1999, *inter alia*, for issuance of a writ in the nature of mandamus directing the respondents to regularize the services of the petitioner alongwith all consequential benefits and to grant regular scale of pay from his initial appointment under the principle of 'equal pay for equal work'.

2. Petition has been lying admitted since 05.02.2002.

3. When called out for hearing, there is no representation on behalf of petitioner. It seems that by sheer effluxion of time and pendency of the writ petition for more than 22 years before this Court, it has been rendered infructuous and/or 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 Nos.1 to 4 of preliminary objections of the written statement filed on behalf of respondents, which is reproduced herein for ready reference:

"1. That the Petitioners is the employee of Panchayat Samiti, Punahana, District Gurgaon on daily wages basis. The Petitioner has not impleaded the Panchayat Samiti as a necessary party, in the present writ petition. The present Civil Writ Petition is liable to be dismissed on this score.

2. That the Petitioner does not possess the requisite qualification for Patwari as he is under-matric and as per Panchayat Samiti Rule 1965 (Applicable to Haryana also) qualification prescribed is Matric with Patwari pass.

3. That the present Writ Petition has been filed in collusion with office bearers of the Panchayat Samiti i.e. why the Panchayat Samiti has not arrayed as party.

4. *That the Petitioner never remained the employee of the State of Haryana/Respondents."*

5. I am in agreement with the stand taken by the respondent-State as aforesaid. The same in any case has not been controverted either by way of replication or by way of any additional affidavit and the assertions made therein therefore remain unrebutted.

6. In view of the aforesaid, no ground for interference is made out. Petition is dismissed.

7. Since the main case has been decided, pending civil miscellaneous application, if any, also stands disposed of.

(ARUN MONGA)
JUDGE

May 19, 2022

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Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No