

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

CWP-4832-2022

Date of decision: 10.03.2022

SATBIR SINGH

...Petitioner

V/S

STATE OF HARYANA AND OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present: Mr. Jagjeet Beniwal, Advocate,
for the petitioner.

Ms. Kirti Singh, DAG, Haryana.

ARUN MONGA, J. (ORAL)

Petitioner herein inter alia seeks issuance of a writ in the nature of certiorari to quash the impugned show-cause-notice dated 29.12.2021 (Annexure P-6) vide which benefit of regularization from his initial date of appointment given to the petitioner is proposed to be withdrawn.

2. Learned counsel for the petitioner submits that petitioner was appointed as Driver on 19.2.2002. Some similarly situated employees filed CWP 22516 of 2012 and the same was allowed vide order dated 01.04.2013. SLP filed by the State was dismissed on 31.01.2017. Vide judgment, the Court had held that once drivers and conductors are appointed, their appointment are to be considered regular from the date of appointment. In compliance thereof, the petitioner was treated as regular employee from the date of appointment and all consequential benefits vide order dated 20.06.2017 have been given. Vide order dated 28.7.2017, the respondent No.3 modified the earlier order and benefit of regularization from initial date of appointment has been withdrawn and consequently impugned show-cause-notice was issued to the petitioner as to why annual increments be also not withdrawn.

3. Learned counsel for the petitioner submits that petitioner submitted his reply dated 10.02.2022 to the impugned show-cause-notice, but to no avail. Hence, the instant petition.

4. On advance service learned state counsel appears and opposes the issuance of notice of motion and submits that writ petition is pre-mature.

5. I have heard learned counsel for the parties and perused the paper book.

6. Concededly, as per the case pleaded in the petition, contemplated departmental action is at very initial stage and yet the petitioner has rushed to this Court without having presented his entire case before the competent authority. Writ petition, is therefore, pre mature and warrants no interference under extra ordinary writ jurisdiction.

7. Dismissed with liberty to the petitioner to take up the defence taken in the petition herein at the appropriate stage before the competent authority, who shall look into the same and proceed in accordance with law.

10.03.2022
vandana

(ARUN MONGA)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No