

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

Sr. No.593

CWP-17906-1999 (O&M)

Date of decision: May 19, 2022

Balbir Singh and Others

...Petitioners

Versus

The State of Haryana and Others

...Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present: None for the petitioners.

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 certiorari to quash order dated 30.7.1999 (Annexure P/4) whereby claim of the petitioners for regularization after completion of two years of contractual service was rejected.

2. Petition has been lying admitted since 04.02.2002.

3. When called out for hearing, there is no representation on behalf of petitioners. It seems that by sheer effluxion of time and pendency of the writ petition for more than 21 years before this Court, it has been rendered infructuous and/or petitioners seem to have lost interest in pursuing the same.

4. In any case, it appears that even on merits, claim of petitioners is not admissible. Petition is based on the premise that the petitioners are entitled to benefit of Instructions dated 23.03.1998 (Annexure P-3). However, what has been given a complete short shrift in making such claim is that concededly, departmental proceedings against the petitioners regarding an accident of the buses, which were the offending vehicles at the relevant time, were initiated. Upon culmination thereof, they were given benefit of their delinquency qua the said accident. Thereafter, their services were regularized. There being cloud on the continuation of the petitioner in service during the pendency of the disciplinary proceedings and also they being on contract at the relevant time, the employer was well within its discretion to keep the case of regularization pending and I see no infirmity in the same. In any case, the petitioners were retained in service by giving benefit of doubt and therefore having already been dealt with leniently, they

can not take double advantage of the same and seek benefit of regularization of ante date which was rightly denied.

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

6. 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