

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

**CWP No.5226 of 2000 (O&M)**

**Date of decision: 23.05.2022**

Suresh Kumar and others ...Petitioners

Vs.

State of Haryana and others ...Respondents

**CORAM: HON'BLE MR. JUSTICE ARUN MONGA**

Present: None for the petitioners.

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 the services of the petitioners in view of policy dated 28.07.1994 and to grant all consequential benefits to the petitioners.

2. Petition was admitted on 05.2.2002.

3. When called out for hearing, there is no representation on behalf of the petitioners. 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 petitioners seem to have lost interest in pursuing the same.

4. In any case, it appears that even on merits, claim of the petitioners is not admissible in view of the following stand taken in para Nos. 3 & 4 of the reply, which are reproduced herein below for ready reference:-

*“ 3. That in reply of para no.3 of the writ petition, it is submitted that the services of the petitioners could not be regularized earlier as disciplinary cases were pending against them. The details of the disciplinary cases is annexed as Annexure R-2. Remaining para is not disputed. However, it is pertinent to mention here that the services of the petitioners were regularized*

*after finalization of the disciplinary cases pending against them.*

*4. That in reply of para No.4 of the writ petition, it is submitted that the services of the petitioners were regularized after finalization of the disciplinary cases pending against them as per details given in Annexure R-2. However it is pertinent to mention here that the Transport Commissioner, Haryana respondent No.2 has issued instructions vide his memo No. 1224-1245/A3/E3 dated 23.03.1998 that the employees who are working on the contract basis and are being facing disciplinary cases, such employees should be regularized from the date of decision of their disciplinary cases, so the petitioners were rightly regularized after the finalization of the disciplinary cases. It is admitted that legal notice was received but it was not valid notice. Remaining para is wrong and denied. It is pertinent to mention here that these petitioners could not be regularized earlier in view of the pending disciplinary cases. These petitioners gave in writing that cases be decided by the competent authority in view of their written confession. They also gave in writing that they do not want enquiry in these disciplinary cases. They may be given any punishment keeping them in service and for these punishment they will not go in appeal so their cases were decided by the competent authority in view of the above undertaking and confession. So, these petitioners were rightly regularized from the date of finalization of disciplinary cases.”*

5. I am in agreement with the stand taken by the respondents as aforesaid. 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.

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

7. Dismissed.

**23.05.2022**  
hemlata

**(ARUN MONGA)**  
**JUDGE**

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No