

In the High Court of Punjab and Haryana at Chandigarh

201

CWP-2311-2004 (O & M)

Date of Decision: February 09, 2022

SHYAM LAL

.....PETITIONER

VERSUS

PUNJAB FINANCIAL CORP. AND ANR.

....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present: Mr.Sanjiv Gupta, Advocate for the petitioner.

Mr. G.S. Bal, Senior Advocate with
Mr. Sewa Singh, Advocate for respondent-PFC.

ANUPINDER SINGH GREWAL, J (ORAL)

Case taken up through video conferencing.

Learned counsel for the petitioner contends that the petitioner was appointed as a Chowkidar with the respondent on 20.08.1993. The period of his service was extended from time to time till 20.04.1998 whereon his services were terminated. He was promoted to the post of driver on 15.12.1993 (Annexure P-3). He had worked continuously on this post till that date. The petitioner had approached the Labour Court against the illegal termination and the Labour Court by the award dated 04.04.2003 had directed his reinstatement with continuity in service. The respondent-Management had preferred a CWP No.13629-2003 challenging the award of the Labour Court which was dismissed by this Court on 29.08.2003. The petitioner is working continuously since his initial appointment in 1993 and is working on the post of driver which is a sanctioned post. The petitioner fulfills all the other requirements as set out in the policy of regularization issued on 23.01.2001 (Annexure P-13).

In the written statement, it is contended by the respondents that the petitioner was adjusted on the post of driver as and when the regular driver went on leave. However, it is not denied that the petitioner is working with the respondents since 1993. However, it has been stated that the petitioner had been adjusted against leave vacancy and, therefore, his case for regularization would not be considered.

At this stage, learned counsel for the petitioner contends that the last regular driver retired on 31.12.2012 and the petitioner is admittedly working on the regular post of driver till date and, therefore, he would be entitled to consideration for regularization in terms of the policy.

Heard.

The petitioner is working with the respondents for about 29 years and on the sanctioned post of a driver for about 10 years. He would be entitled to consideration for regularization in terms of the policy.

The petition is disposed of with a direction to the respondents to consider the case of the petitioner for regularization of services in terms of the policy dated 23.01.2001 within a period of three months.

(ANUPINDER SINGH GREWAL)
JUDGE

February 09, 2022
A.Kaundal

Whether speaking/ reasoned	:	Yes/No
Whether Reportable	:	Yes/No