

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

**CWP No.9106 of 2001(O&M)
Date of decision: 26.05.2022**

Ramesh 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.

ARUN MONGA, J. (ORAL)

Petition herein, *inter alia*, is for issuance of a writ in the nature of mandamus commanding the respondents to regularize the services of the petitioner w.e.f. 31.1.1996 as Beldar/Mali-cum-Chowkidar along with all consequential relief.

2. Petition was admitted for hearing on 03.07.2001.
3. When taken up for final adjudication, 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 21 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, from perusal of record/pleadings, it appears that even on merits, claim of the petitioners is not admissible. Reference may be had in particular to the stand taken in para No.1 of the preliminary objections of the written statement filed on behalf of respondents No.1 to 3.

5. I am in agreement with the stand taken by the respondents. 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 defense, respondents plead that petitioner No. 1 was engaged as Beldar w.e.f. 01-10-1988 on daily wages. He left the job at his own on dated 01-07-1992. However, under the orders of the Labour court dated 10-2-1995 he later joined service in 10/97.

Similarly, the petitioner No.2 was engaged as Mali-cum-Chowkidar w.e.f. 01-11-1992 as daily wager. He too left the job at his own w.e.f. 2-5-1994, but likewise under the orders of the Labour court dated 24-11-1997 he too joined service w.e.f. 11-3-1998.

Petitioner No.3 was engaged as Mali-cum-Chowkidar in the Department. as daily wager w.e.f. 25-5-1993. He had left the job at his own w.e.f. 31-3-1994 but under the orders of the Labour court he joined service w.e.f. 11-3-1998.

Whereas, petitioner No.4 was engaged as Mali-cum-Chowkidar. as daily wager w.e.f. 6-4-1993. He left the job at his own w.e.f. 2-6-1994 but under the orders of the Labour court he joined service w.e.f. 20-2-1998.

The petitioners thus had not actually worked with the department from the dates of their absence from service till they joined the department under the orders of the Labour court. As per policy dated 7-3-1996 and 18-3-1996 Annexure P/1 and P/2 the petitioners were required to be in service on 31st January, 1996 with three years continuous service but none of the petitioners was in service on 31st January, 1996. The petitioners were found not to have fulfilled the terms and conditions of the policies

Annexure P/1 and P/2 and as such they were not granted any benefit of regularization in service.

- 7. In view of the aforesaid, no grounds are made out to interfere.
- 8. Dismissed.

26.05.2022
hemlata

(ARUN MONGA)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No