

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

218

**LPA-1173-2018 (O&M)
Decided on :07.12.2022**

Jaikanwar

.....Appellant(s)

Versus

State of Haryana & others

.....Respondent(s)

**CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA
HON'BLE MS.JUSTICE HARPREET KAUR JEEWAN**

Present: Mr.Pardeep Balyan, Advocate, for
Mr.R.S.Malik, Advocate for the appellant.

Ms.Palika Monga, DAG, Haryana.

G.S. Sandhawalia, J. (Oral)

CM-3135-LPA-2018

Application for condonation of 13 days of delay in filing the appeal is allowed, in view of the averments made in the application, duly supported by affidavit. Delay of 13 days in filing the appeal is hereby condoned.

CM stands disposed of.

LPA-1173-2018 (O&M)

Consideration in the present Letters Patent Appeal is to the order dated 18.04.2018, passed by the learned Single Judge in CWP-9132-2018 titled *Jaikanwar Vs. State of Haryana & others*.

The learned Single Judge had dismissed the writ petition wherein the claim for regularization was sought as per the policy of 1998-1999. It was also noticed that the order under challenge was dated 08.05.2012 (Annexure P-5) wherein the writ petitioner himself had been regularized by the State in view of the notification dated 17.01.2012 issued on 27.02.2012 in the Pay-scale of Rs.4440-7440+Grade Pay Rs.1300/-. It was noticed that the relief was being sought qua the order dated 20.02.2002 passed in CWP-5926-2001 titled *Vidya Devi Vs. State of Haryana & others* (Annexure P-3) but the writ petitioner was never a party qua the said writ petition and therefore, could not seek the benefit. The judgment of the Apex Court in **State of U.P. & others Vs. Arvind Kumar Srivastava & others, (2015) 1 SCC 347** was applied on the

ground that the right to remedy had to be availed within adequate time and he was a fence-sitter and therefore, the writ petition was dismissed.

We do not find any reason to interfere in the said order. Admittedly, the appellant was employed as a part-time Sweeper on 11.10.1993 and had been granted the benefit of regularization on 08.05.2012. He was well satisfied with it and thereafter, has approached this Court in the year 2018 on account of the benefit granted in another litigation to seek regularization from an earlier point of time and under an earlier policy of 1998-1999. Nothing has been demonstrated as to what steps were taken to enforce his legal rights at that point of time.

The State of Haryana has come out with various regularization policies which were withdrawn and fresh regularization policies were superseding the earlier regularization policies. Therefore, once the relief has been granted on a particular policy to which the writ petitioner was duly satisfied for a period of 6 years, the learned Single Judge did not err in any manner in dismissing the writ petition. It is not a case where the junior has been granted the benefit under the policy which is now sought to be enforced on account of the litigation initiated by a separate set of individuals. The claim that another Sweeper was given the benefit on 08.05.2003 was also on account of the fact that Ram Kanwar was a party to the judgment passed in Vidya Devi (supra) and therefore, the State was only implementing the order of this Court.

Accordingly, in view of the above discussion, finding no merit in the present appeal, the same is hereby dismissed.

(G.S. SANDHAWALIA)
JUDGE

07.12.2022
sailesh

(HARPREET KAUR JEEWAN)
JUDGE

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