

2023:PHHC:121567

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

224

CWP-2512-2020

Date of Decision:-14.09.2023

DARSHAN LAL

...Petitioner

Versus

STATE OF HARYANA AND ANOTHER

...Respondents

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Abha Rathore, Advocate
for the petitioner.

Mr. Gaurav Jindal, Addl. A.G., Haryana.

Mr. Vishal Gupta, Advocate
for respondent No.2.

SANDEEP MOUDGIL, J. (Oral)

The instant petition has been preferred under Article 226/227 of the Constitution of India for issuance of writ in the nature of certiorari/mandamus directing the respondents to regularize the services of the petitioner w.e.f. the date the order of reinstatement dated 01.04.2019 was passed by the learned Single Bench of this Court in CWP No.10307 of 2002 (Annexure P-1).

Learned counsel for the petitioner contends that the Division Bench of this Court has modified the order of learned Single Judge dated 01.04.2019 passed in CWP No.10307 of 2002 (Annexure P-1) while disposing of LPA No.1416 of 2019 vide order dated 22.10.2019(Annexure P-2). It has been reiterated in the order that respondent No.1-petitioner shall be appointed as Cook-cum-Tandooria on regular basis, which would mean that his regularization has to be made effective from the date the order was passed in CWP No.10307 of 2002, as has been relied by the analogy of Full Bench judgment of this Court rendered

in *Virender Singh vs. Haryana Tourism Corporation Ltd. 2005(2) SCT 837*.

On the other hand, learned counsel for respondent No.2 submits that the order passed by the Division Bench of this Court does not mean the appointment of petitioner on regular basis, from the date when order was passed in CWP No.10307 of 2002 by the learned Single Judge, as the language of the same does not depict any such specific direction as to from which date, the petitioner would be regularized. Apart from that, no other argument has been raised on behalf of learned counsel for respondent No.2.

Having heard learned counsel for the parties and going through the record available before this Court, particularly order dated 22.10.2019(Annexure P-2), there is reiteration to the fact that respondent No.1-petitioner shall be appointed as Cook-cum-Tandooria on regular basis, while relying upon the Full Bench judgment of this Court in case of *Vijender Singh(supra)*, where Vijender Singh was regularized from the date the Single Bench Judge allowed the writ petition and therefore, the same ratio has to apply even in this case also. This Court deems the prayer made by learned counsel for the petitioner to be fair enough technically on the ground that the petitioner is entitled for continuity in service with effect from the date his services were terminated.

In the light of the above discussions and the directions of Division Bench of this Court passed in LPA No.1416 of 2019 vide order dated 22.10.2019(Annexure P-2), it is incumbent upon the respondents to consider upon the judgment and order dated 22.10.2019(Annexure P-2) in right spirit, instead of harassing and putting the petitioner at unwanted rounds of litigation. The respondents are directed to modify the order dated 22.10.2019(Annexure P-2) and to make the appointment of the petitioner on regular basis w.e.f. 01.04.2019

instead of with immediate effect.

It is further made clear that the petitioner will not be put to harassment again by another forced round of litigation, who is now entitled and eligible for all consequential benefits arising out of his regularization from the date i.e. 01.04.2019, including arrears of salary and all other benefits along with interest at the rate of 6 % per annum till the date of its realization.

In the light of the aforesaid terms, the instant petition is allowed.

14.09.2023
P.Bhatt

(SANDEEP MOUDGIL)
JUDGE

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