

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(203) CWP-12265-2001 (O&M)
Date of Decision : July 31, 2023

Ramesh Kumar .. Petitioner

Versus

State of Haryana and others .. Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Mani Ram Verma, Advocate, with
 Mr. Hoshiar Singh, Advocate and
 Mr. Nipun Verma, Advocate, for the petitioner.

Mr. Saurabh Mohunta, Deputy Advocate General, Haryana.

HARSIMRAN SINGH SETHI J. (ORAL)

CM-22137-2001

As prayed for, the application is allowed.

CM-22138-2001

As prayed for, the application is allowed.

CM-13670-CWP-2018

Present application has been filed for impleading the legal representative of respondent No.4-Kewal Krishan.

Keeping in view the averments made in the application, which are duly supported by an affidavit, the same is allowed. Legal representative of respondent No.4-Kewal Krishan, the details of whom have been given in paragraph 2 of the application, are allowed to be impleaded in the present petition.

CWP-12265-2001

1. Present petition has been filed by the petitioner seeking appointment to the post of Conductor.

2. Learned counsel for the petitioner argues that the petitioner was appointed as a Conductor when the employees of the Haryana Roadways had gone on strike in the year 1993 so that the Haryana Roadways function smoothly despite strike by its employees. Learned counsel for the petitioner submits that after the strike was over, the services of the petitioners along with other similarly situated employees were terminated but later on, the Government of Haryana framed a policy to absorb the employees, who were appointed during the strike period vide instructions dated 28.01.1994 but the said benefit was given by pick and choose method and the petitioner though senior, was not absorbed in the Government job, which led to the filing of the present petition.

3. Learned State counsel submits that though the only prayer raised in the present petition is that the petitioner should be appointed on the post of Conductor but the petitioner was already given the said benefit in the year 2004 and his services have been regularized and ultimately, the petitioner has retired on 31.03.2023 on attaining the age of superannuation. Learned State counsel further submits that during his service career, the petitioner was also given the required benefit including the promotion for which the petitioner was found entitled for, hence, the present petition has been rendered infructuous and the same may kindly be disposed of as such.

4. Learned counsel for the petitioner submits that in the present petition, though the claims was only for appointment as Conductor which benefit has already been extended to the petitioner but as the persons junior to the petitioner, were appointed starting from year 1996 onwards, the

petitioner is entitled for the benefit of appointment with retrospective effect for which, the petitioner be given liberty to approach the respondents by filing appropriate representation so as to get the retrospective appointment with consequential benefits.

5. Learned State counsel submits that in case any representation is filed by the petitioner raising any grievance, the same will be considered on merits and appropriate order on the same, after giving the petitioner a personal hearing, will be passed within a period of eight weeks from the receipt of any such representation and in case after the decision on the said representation, any relief is to be extended to the petitioner, the same will be extended to him within further period of four weeks.

6. Learned counsel for the petitioner submits that keeping in view the statement of learned State counsel, the present petition may kindly be disposed of having been not pressed any further with liberty as prayed for.

7. Ordered accordingly.

July 31, 2023
harsha

(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No