

CWP-16161-1998 (O&M)

2023:PHHC:114867

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

322

CWP-16161-1998 (O&M)
Date of Decision :-01.09.2023

Noora

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: None for the petitioner.

Mr. Harish Rathee, Senior DAG, Haryana.

* * *

Harsimran Singh Sethi, J. (Oral)

Present petition was filed by the petitioner seeking benefit of regularization of service under the 1996 policy.

The dispute in the present petition is that as to whether the petitioner fulfills the conditions mentioned in the regularization policy of year 1996, according to which, an employee was required to have at least 240 days service to his credit in each calendar year, which length of service qua the petitioner is being disputed by the respondent-department.

Keeping in view the fact that the disputed question of fact is arising in the present petition, the same cannot be gone into by this Court so as to determine whether the petitioner had 240 days service to his credit in each calendar year or not keeping in view the settled principle of law settled by the Hon'ble Supreme Court of India in ***Civil Appeal No.2848-2021*** titled as ***Shubhas Jain vs. Rajeshwari Shivam and others*** that the High Court cannot decide the claim when the facts are in dispute. Relevant paragraph of

the judgment is as under:-

26. It is well settled that the High Court exercising its extraordinary writ jurisdiction under Article 226 of the Constitution of India, does not adjudicate hotly disputed questions of facts. It is not for the High Court to make a comparative assessment of conflicting technical reports and decide which one is acceptable.”

Keeping in view the facts and law noticed hereinbefore as facts can only be decided on the basis of the evidence hence, the petitioner is relegated to avail his remedy before the Civil Court in case service of the petitioner has not been regularized as of now.

Present petition is disposed of in above terms.

Civil miscellaneous application pending, if any, is also disposed of.

September 01, 2023
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(HARSIMRAN SINGH SETHI)
JUDGE

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