

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

LPA-270 of 2023 (O&M)

Date of Decision: 14.03.2023

State of Haryana and another

.....Appellants

Vs.

Het Ram Sharma and others

.....Respondents

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

Present: Mr. Ankur Mittal, Addl, A.G., Haryana, with
Mr. Saurabh Mago, A.A.G., Haryana.

G.S.SANDHAWALIA, J. (ORAL)

1. The challenge in the present Letters Patent Appeal is to the order of learned Single Judge, dated 18.02.2020 passed in CM-8171-CII-2019 in COCP No. 3524 of 2017 titled **Het Ram Sharma and others vs. Saket Kumar and another**, whereby directions have been issued that in case the appropriate order is not passed by the next date of hearing at that time, i.e. by 06.03.2020, the respondents shall come present before the Court.

2. A perusal of the order dated 31.07.2018 (Annexure R-3) which was the compliance order passed in CWP-17404-2012 would go on to show that the reasons given for denying regularization was that the name was not sponsored by the employment exchange. The said issue has come up time and again while considering the regularization policies of the State of Haryana/Punjab.

3. *Prima facie* we are of the opinion that it flies in the teeth of the observations of the Division Bench in CWP-16655-2003 titled **Paramjit**

Singh vs. State of Punjab and others and as noticed by the co-ordinate Bench, in LPA-95-2019, titled as Punjab State Power Corporation Limited and another vs. Surinder Singh and others, in which one of us (G.S. Sandhawalia, J) was also a member.

4. In such circumstance, *prima facie* we are of the opinion that the concerned officer was not correctly apprised of the law on the point.

5. The present appeal is also directed against an interim order, whereby directions were issued on 18.02.2020 as to why petitioners No. 1 and 3 who had a right to be regularized should not be regularized against available post. Apparently, rejection of Sukhpal, Krishan Singh and Brijlal, petitioners No. 2, 5 and 7 was also done on the ground that they were not appointed through an employment exchange which was also noticed by the learned Single Judge on 25.02.2019 (Annexure R-1). It escaped the notice of the said Bench regarding the factum of the said condition not to be binding as had been held in Paramjit Singh (*supra*).

6. It is thus, *prima facie* apparent that the observations of the learned Single Judge in the interim order dated 18.02.2020 that the respondents are changing their stand time and again and coming up with new arguments to deny the consideration for regularization is well based.

7. In such circumstance, we are of the considered opinion that the direction for the respondents to come present before the Contempt Court is not liable to be interfered in any manner in an appeal which has been filed after delay of 1038 days. It is also to be noticed that Atul Kumar, who is one of the contemnor, who was the then Director General (Ayush) had also filed a Contempt Appeal No. 5 of 2020 which was dismissed as not maintainable by the co-ordinate Bench on 23.01.2023, on the ground that

the maintainability of the present appeal against an interim order was an issue. However, merely because of observations were made that the said order will have no bearing on the present Letters Patent Appeal, learned State counsel has vehemently tried to press the present appeal.

8. Keeping in view the above, we are of the considered opinion that the concerned officers will necessarily have to come present before the learned Single Judge who is heading the contempt roster to explain their conduct and their predecessors conduct as apparently an effort is being made to deny the fruits of litigation to Class IV employees.

9. Accordingly, the present appeal is dismissed as being time barred, not maintainable and in view of the observations made.

10. All pending miscellaneous application (s), if any, also stand disposed of.

(G.S. SANDHAWALIA)
JUDGE

March 14, 2023
nitin

(HARPREET KAUR JEEWAN)
JUDGE

Whether Speaking	Yes
Whether Reportable	No