

In the High Court of Punjab and Haryana, at Chandigarh**Civil Revision No. 3505 of 2019****Date of Decision: 16.11.2023**

Karambir Singh

... Petitioner(s)

Versus

The State of Haryana and Others

... Respondent(s)

CORAM: Hon'ble Mr. Justice Anil Kshetarpal.

Present: Mr. Sandeep Singal, Advocate
for the petitioner(s).

Mr. Jaspal Singh Pannu, Assistant Advocate General,
Haryana, for the respondents.

Anil Kshetarpal, J.

1. In this revision petition, filed under Article 227 of the Constitution of India, the petitioner assails the correctness of the order passed on 20.03.2019 by the Executing Court. On the request of the petitioner, the matter was referred to the Industrial Tribunal-cum-Labour Court, Rohtak. Vide award dated 08.08.2003, the following relief was granted to the petitioner:-

“13. In view of my findings on the foregoing issues, I conclude to hold that termination of services of the petitioner is not justified in accordance with law and he is entitled to reinstatement with continuity of service and 50% back wages from the date of demand notice i.e. 9.1.1997. This reference is thus disposed of accordingly.”

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2. Thereafter, the petitioner filed a suit for the grant of decree of declaration that he is entitled to the regularization of his service w.e.f. 01.02.1996, the date when the services of his juniors were regularized, instead from 30.09.2003, along with the other resultant benefits. The aforesaid suit was decreed on 17.07.2015, with the following observations:-

“It is ordered that the suit of the plaintiff succeeds and the same is hereby decreed with no order as to costs and it is hereby declared that the plaintiff is entitled to regularization of his services w.e.f. 1.2.1996 when the services of his juniors were regularized instead of 30.09.2003, along with other resultant benefits. The defendants are directed to regularize the services of the plaintiff w.e.f. 1.2.1996 when the services of his juniors were regularized instead of 30.9.2003 and also to pay the other resultant benefits to the plaintiff.”

3. The execution petition filed by the petitioner has been disposed of by the Court on the ground that the decree has already been complied with.

4. It is not in dispute that the services of the petitioner have been regularized w.e.f. 01.02.1996, and he has been paid the arrears of pay amounting to ₹3,04,781/- along with the interest amounting to ₹ 38,000/- approximately. The petitioner claims that the respondents have erred in treating 340 days as the period of extraordinary leave vide office order No. 4 dated 18.01.2017. He submits that once the petitioner's services were ordered to be regularized w.e.f. 01.02.1996, therefore, he is entitled to all the consequential benefits, accordingly.

5. On the other hand, the learned counsel representing the respondent submits that the petitioner was not present for the period between 01.02.1996 to 08.01.1997. Therefore, the aforesaid period has been treated as the period of extraordinary leave on notional basis.

6. This Court has considered the submissions of the learned counsel representing the parties. There is a subsequent order passed by the competent authority. The petitioner, if so advised, may seek an alternative remedy against the aforesaid subsequent order, in accordance with law. In this revision petition, this Court does not find it appropriate to interfere with the order passed by the Executing Court in exercise of the revisional jurisdiction as the scope of the revisional jurisdiction is limited.

7. Keeping in view the aforesaid facts, no ground is made out to interfere. Hence, the present revision petition is dismissed.

(Anil Kshetarpal)
Judge

November 16, 2023

“DK”

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No