

CWP No.20885 of 2018

{1}

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

218

CWP No.20885 of 2018

Date of decision:27.02.2023

Rajender

... Petitioner

Vs.

State of Haryana and others

... Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Surinder Kumar Daaria, Advocate
for the petitioner.

Mr. Saurabh Mohunta, DAG, Haryana.

SUVIR SEHGAL, J. (Oral)

Instant petition has been filed under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of mandamus directing the respondents to regularize the services of the petitioner according to the policy instructions dated 18.03.1996 (Annexure P-1) and 01.10.2003 (Annexure P-2) alongwith all consequential benefits with interest.

Upon notice, writ petition has been contested by filing reply on behalf of the respondents. In response filed by the Deputy Conservator of Forest, it has been submitted as under:-

“1. That the petitioner has not appeared before this Hon'ble Court with clean hands and he has filed the present petition on altogether wrong grounds and averments. As per his own case the petitioner, he was engaged as daily wager in the year 1985 in the Social Forestry Division, Rohtak and the said Division

has been stated to be merged in Forest Division, Territorial Rohtak in the year 2004. As per the record of the Department, the name of the petitioner is not there on rolls in Forest Division Territorial Rohtak thereafter. In this way, there is no relationship of employer and employee between the two.

2. That since the petitioner is not the employee of the respondents as detailed above, therefore, he is not entitled to get any relief including the relief of regularization under the policy of the Government dated 18.3.1996 and 1.10.2003 as claimed by him by way of filing the present petition. The present petition filed by the petitioner which is based on wrong facts is even otherwise liable to be dismissed straightway.”

The stand has not been controverted by the petitioner by filing replication.

As disputed question of fact arises, this Court cannot determine them in the exercise of its jurisdiction under Article 226 of the Constitution of India.

Petition is dismissed. However, liberty is granted to the petitioner to take recourse to the remedy available to him, in accordance with law.

February 27, 2023
savita

(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned	Yes
Whether Reportable	Yes/No