

LPA-1319-2023 (O&M)

Date of decision:16.10.2023

Chief Administrator, Housing Board Haryana

....Petitioner

V/s.

Ram Kishan and another

....Respondents

**CORAM: HON'BLE MS. JUSTICE RITU BAHRI,
THE ACTING CHIEF JUSTICE
HON'BLE MRS. JUSTICE MANISHA BATRA**

Present: Mr. Deepak Balyan, Advocate
for the appellant.

Ritu Bahri, The Acting Chief Justice (Oral).

CM-3366-LPA-2023

For the reasons mentioned in the application, the same is allowed and the delay of 85 days in filing the appeal is condoned.

LPA-1319-2023 (O&M)

1. Challenge is to the order dated 10.04.2023 passed by the learned Single Judge in CWP No. 7766 of 2019.

2. The brief facts of the case are that the respondent No. 1 was appointed as Mortar mate in the appellant-department on 01.09.1992. The respondent remained in service throughout till his superannuation on 29.02.2016 from the office of Assistant Engineer, Housing Board, Panipat. The services of the respondent No. 1 were regularized in the pay scale of Rs.2550-3200 (Group-D) w.e.f. 01.10.2003, vide order dated 17.12.2004 passed by the appellant. Earlier the Government had issued instructions that the services of those work charge/casual/daily wage employees, who had

completed five years of service on 31.01.1996 and fulfilled other conditions laid therein be regularized vide instructions dated 18.03.1996. The matter was re-considered and it was decided to regularize the services of those work charge/casual/daily wage employees, who had completed three years of service as on 31.01.1996 and fulfilled other conditions laid down in Haryana Government letter of even number dated 07.03.1996. The claim of respondent No. 1 for regularization under the policy dated 18.03.1996 was rejected on the ground that he was not in service on 31.01.1996

3. The respondent No. 1 approached this Court for quashing order dated 24.04.2018 (Annexure P-9) and the communication/reply dated 20.11.2018 (Annexure P-12) by which his claim for regularization w.e.f. 31.01.1996 had been rejected. The learned Single Judge allowed his writ petition vide order dated 10.04.2023.

4. A perusal of the Labour Court award dated 05.05.1997 (Annexure P-11) shows that the workman was illegally removed from service without following due procedure of law (at page no. 71 of the paper-book). The date of the appointment of the workman as Chowkidar was 01.09.1992 and he was removed from service on 21.10.1995.

5. On a specific query put to learned counsel for the appellant, he submits that the workman was reinstated with continuity of service and full back wages. Once, the workman was reinstated in the year 2002, he was deemed to be in service on 31.01.1996 and, hence, he is entitled for regularization as per policy dated 18.03.1996.

6. Keeping in view the above, no case to interfere in the order dated 10.04.2023 passed by the learned Single Judge is made out.

7. The present Letters Patent Appeal is dismissed. Pending application (CM-3367-LPA-2023) also stands dismissed.

(RITU BAHRI)
ACTING CHIEF JUSTICE

(MANISHA BATRA)
JUDGE

16.10.2023
Divyanshi

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