

116 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-20387-2023
Date of decision: 31.10.2023

Surat SinghPetitioner

V/s

State of Punjab and another ...Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK MANCHANDA

Present: Mr. Jasdeep Singh Gill, Advocate
for the petitioner.

DEEPAK MANCHANDA J. (ORAL)

The instant writ petition has been filed under Article 226/227 of the Constitution of India for issuance of a writ in the nature of mandamus, directing the respondent authorities to decide the legal notice dated 05.07.2023 (Annexure P-2) submitted by the petitioner and pass appropriate speaking orders on the same, keeping in view the judgment dated 29.10.2019 passed by this Court (Annexure P-1) in favour of identically situated persons and with a further directions to respondent No.2 to grant all consequential benefits to the petitioner including monetary benefits in furtherance of regularization of his service.

Learned counsel for the petitioner contends that petitioner was appointed on contract basis as Mali with the respondent No.2-Corporation in the year 1999 and joined his services on 01.09.1999. The services of the petitioner and other similarly situated employees were terminated in the year 2001

Court at Patiala and the learned Labour Court passed the award on 01.10.2002 ordering reinstatement of the petitioner with continuity of service and full back wages. The PSIEC-respondent No.2 -Corporation challenged the said award by filing CWP No.1564 of 2003 before this Court and the same was admitted and now pending adjudication. Petitioner was taken back in service and granted all consequential benefits and since then he is working as a Mali with the said Corporation. Although all the employees working on daily wages/work charge were regularized by the Department over a period of time but the services of the petitioner and two other employees were not regularized. Petitioner submitted a representation dated 15.06.2022 in the office of respondent No.2 but nothing was done and after waiting for a considerable period petitioner again submitted a reminder to respondent No. 2 in May 2023 but the respondent No. 2 did not pay any heed to the said representation and reminder. Learned counsel further contends that petitioner through his counsel has served a legal notice dated 05.07.2023 (Annexure P-2) upon the said respondent, which has not been taken into consideration till date and the petitioner would be satisfied if necessary directions are given for deciding the legal notice in a time bound manner.

Notice of motion.

At this stage, on asking of the Court, Mr. Arun Gupta, AAG Punjab, who is present in the Court, accepts notice on behalf of the respondent No.1 and Mr. Salil Sabhlok, Advocate has put in appearance in the Court, accepts notice on behalf of respondent No. 2 and they do not object to the prayer made by learned counsel for the petitioner.

In view of the pleadings in the present petition, without expressing any opinion on the merits of the case or the claim being made by the petitioner in

decide the legal notice, by passing a speaking order within a period of 8 weeks from the date of receipt of certified copy of this order with a further direction that if the petitioner is found to be entitled to the claim mentioned in the abovesaid legal notice, necessary disbursement of funds shall be made to him within a period of 8 weeks thereafter.

The petition stands disposed of.

31.10.2023
Sapna

(DEEPAK MANCHANDA)
JUDGE

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