

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(102)

CM No.5247-C of 2023 in/and
RSA No.6466 of 2014 (O&M)
Date of Decision : 24.05.2023

Ramyan

...Appellant

Versus

Nawanshahr Cooperative Sugar Mills Ltd., Nawanshahr (Punjab)

...Respondent

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. S.S.Rana, Advocate for the appellant.

Harsimran Singh Sethi J. (Oral)

CM No.5247-C of 2023

The present application has been filed for issuance of appropriate order to consider his case for regularization of his services against permanent seasonal post of coolie/peon.

On request of learned counsel for the appellant, the main case is taken up today for hearing.

RSA No.6466 of 2014

1. Learned counsel for the appellant submits that though in para 8 of the judgment of the lower Appellate Court dated 12.09.2014, it was mentioned that the Board of Directors would consider the case of the plaintiff for regularization by passing appropriate speaking order but in para 9, the said appeal was dismissed, which has resulted that no direction

has been issued to the Board of Directors as envisaged in para 8 of the judgment of the lower Appellate Court.

2. Learned counsel for the appellant further submits that the appellant will be satisfied in case a direction is issued to the respondent-Sugar Mill to comply with para 8 of the judgment of the lower Appellate Court.

3. A perusal of the judgment of the lower Appellate Court makes it clear that a direction was issued to the Board of Directors of the defendant-Mill to consider the claim of the plaintiff for regularization but in the concluding para of the judgment i.e. para 9, no such direction was given. The said mistake is inadvertent.

4. The present appeal is disposed of with a direction to respondent-Mill to decide the claim of the appellant-plaintiff for regularization by passing an appropriate speaking order. It will be appreciated that the required speaking order is passed within a period of eight weeks of receipt of this order. It may be noticed that this Court is not passing any order on merits, as the claim whether the appellant is entitled for regularization of services or not is to be considered and decided by the respondent-Mill only.

5. Appeal stands disposed of in the above terms.

6. As the main case is disposed of, CM No.5247-C of 2023 also stands disposed of.

May 24, 2023
jt

(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No