

2024:PHHC: 022152
257 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-2562-2021
Date of Decision : 15.02.2024

Balbir Chand ...Petitioner

Versus

State of Punjab and othersRespondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present:- Mr. J.S. Maanipur, Advocate for the petitioner.

Mr. Swapan Shorey, DAG, Punjab.

AMAN CHAUDHARY, J. (ORAL)

1. The prayer in the present writ petition is for directing the respondents to regularize the services of the petitioner with all consequential benefits as also to grant the pensionary benefits alongwith interest @ 9% per annum.

2. Learned counsel contends that his claim for regularization has been rejected vide order dated 25.06.2020 (Annexure P-7) only on the ground that he was not in service on the said date even though he was appointed on 01.06.1987 and reinstated by the Labour Court vide award dated 22.07.2013 with continuity of service but without backwages which was upheld by this Court vide judgment dated 09.09.2014 in CWP No.18563 of 2014 titled as **“The General Manager (Mining), District Industries Centre, Mohali versus Balbir Chand and another”** filed by the respondents herein. It is his further submission that this issue already stands decided by a Division Bench of this Court in **Jagdish Chand versus Haryana Tourism Corporation Ltd.**

2006 (3) RSJ 47 wherein it has been held that once reinstatement by Labour Court is granted with continuity of service, the employee is deemed to be on duty for all intents and purposes and he was ordered to be regularized w.e.f 31.03.1993. At this stage, he submits that he would be satisfied if the matter is reconsidered in the light of the aforesaid judgment. In this regard, a legal notice dated 22.05.2019, Annexure P-6, has also been served upon the respondents, which has yet not evoked any response. He thus, at this stage, on instructions, submits that the petitioner is sanguine of it being considered in a positive manner, in case, a direction is given to the respondents to decide the same in the light of aforesaid decision in a time bound manner by granting him an opportunity of hearing.

3. Learned State counsel has no objection to the limited prayer made.
4. In view of the aforesaid and without commenting upon the merits of the case, this petition is hereby disposed of with a direction to respondents to consider the legal notice dated legal notice dated 22.05.2019, Annexure P-6, by taking note of the judgments referred to, by the petitioner and decide the same within a period of six months and if found entitled, necessary benefit be granted forthwith. However, in the eventuality of the relief being denied, a speaking order be passed, after associating the petitioner.

February 15, 2024

ps/hemant

(AMAN CHAUDHARY)
JUDGE

Whether speaking/ reasoned : Yes/No

Whether reportable : Yes/No