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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Date of decision: 17.09.2024

(I) CWP-1050-1998 (O&M)

PADAM SINGH

...Petitioner(s)

VERSUS

HUDA THROUGH CHIEF ADMINISTRATOR, PANCHKULA AND
ORS.

...Respondent(s)

(II) CWP-2939-1998

HUDA THROUGH ITS ADMINISTRATOR, FARIDABAD

...Petitioner(s)

VERSUS

THE PRESIDING OFFICER, INDUSTRIAL TRIBUNAL-CUM-
LABOUR COURT-I, FARIDABAD AND ANOTHER

...Respondent(s)

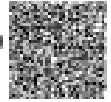
CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present:- Ms. Abha Rathore, Advocate
for the petitioner in CWP-1050-1998 and
for respondent No.2 in CWP-2939-1998.

Mr. H. S. Gill, Advocate
for the respondent-HUDA in CWP-1050-1998 and
for the petitioner in CWP-2939-1998.

JASGURPREET SINGH PURI, J. (Oral)

Both the writ petitions are taken up together for final disposal with
the consent of learned counsels for the parties.



CWP-2939-1998

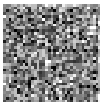
At the outset, Mr. H. S. Gill, learned counsel for the petitioner submitted that he does not wish to press the present writ petition and prays for withdrawal of the same.

Dismissed as withdrawn.

CWP-1050-1998

1. The present writ petition has been filed under Articles 226/227 of the Constitution of India seeking issuance of a writ in the nature of *certiorari* for quashing the order dated 02.01.1998 (Annexure P-8) with a further prayer to direct the respondents to regularize the services of the petitioner in accordance with Regularization Policy, along with all consequential benefits.

2. Ms. Abha Rathore, learned counsel for the petitioner submitted that although the petitioner has been regularized with effect from 2004, but he ought to have been regularized with effect from 1993 and therefore, he was entitled for being regularized in view of the Regularization Policy of 1993. She further submitted that it is a case where other similarly situated persons have been regularized by the respondent-HUDA and in the impugned order dated 02.01.1998 (Annexure P-8), the only reason given for not regularizing the services of the petitioner was that the petitioner did not fulfill the requisite qualification of experience, whereas it is a case where the petitioner was terminated from service and he had approached the learned Labour Court, Faridabad and vide award dated 27.08.1987, he was directed to be reinstated with continuity of service and with full back wages. She further submitted that thereafter, the respondent-HUDA assailed the aforesaid Labour Court award



before this Court by filing a writ petition and the petitioner was not permitted to join his duties by the respondent-HUDA because of the pendency of the aforesaid writ petition and therefore, it was not the fault of the petitioner in this regard and therefore, the aforesaid impugned order dated 02.01.1998 (Annexure P-8) passed is not only against the law but against the facts also.

3. At this stage, Mr. H. S. Gill, learned counsel for respondent-HUDA submitted that respondent-HUDA has no objection in case the aforesaid impugned order dated 02.01.1998 (Annexure P-8) is set aside and liberty is granted to the respondent-HUDA to pass a fresh speaking order in accordance with law by taking into consideration all the facts and by due application of mind after hearing the petitioner in this regard.

4. In view of the aforesaid facts and circumstances of the present case and the aforesaid statement made by learned counsel for respondent-HUDA, the present writ petition is disposed of. The impugned order dated 02.01.1998 (Annexure P-8) is hereby set aside. Liberty is granted to the respondent-HUDA to pass a fresh speaking order in accordance with law based upon the facts and law and also after hearing the petitioner or his counsel, within a period of four months from today.

(JASGURPREET SINGH PURI)
JUDGE

17.09.2024
Chetan Thakur

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