



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(106+239)

CM-7824-CWP-2024 in/and
CWP-3677-2022
Date of Decision : 15.05.2024

Zile

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. J.S. Maanipur, Advocate with
Mr. Joy Preet Meelu, Advocate and
Mr. Kamaldeep Singh Redhu, Advocate for the petitioner.

Mr. Pankaj Middha, Additional Advocate General, Haryana.

Harsimran Singh Sethi J. (Oral)

CM-7824-CWP-2024

Present application has been filed for placing on record
replication to the written statement filed on behalf of the respondents.

Application is allowed and replication to the written
statement filed on behalf of the respondents is taken on record subject to
all just exceptions.

CWP-3677-2022

In the present petition, the prayer of the petitioner is that
petitioner is entitled for the benefit of regularization of his service as per
the Instructions dated 01.10.2003 (Annexure P-2).



In reply filed, the respondents have disputed the fact that the petitioner is working with them. In the reply filed, it has been mentioned that the petitioner is not working with the respondents since 1999 and there is no earlier record of petitioner also having worked with the respondents.

Learned counsel for the petitioner rebuts the said contention of the learned State counsel on the ground that when the claim of the petitioner for regularization of his services was rejected in the year 2007, no such ground was taken by the respondents.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

The facts are being disputed in the present case. The petitioner is claiming having worked with the respondents and is still in the job whereas, the respondents have denying the said fact. As per the judgment of Hon'ble Supreme Court of India in Civil Appeal No. 2848 of 2021 titled as ***Shubhas Jain Vs. Rajeshwari Shivam and others***, decided on 20.07.2021, where the facts are disputed, the same should not be adjudicated in the writ jurisdiction and the parties should be relegated to the civil dispute before the civil Court. The relevant paragraph 26 of the said judgment is as under :-

“26. It is well settled that the High Court exercising its extraordinary writ jurisdiction under Article 226 of the Constitution of India, does not adjudicate hotly disputed



questions of fact. It is not for the High Court to make a comparative assessment of conflicting technical reports and decide which one is acceptable.”

Keeping in view the above, the present petition is disposed of with liberty to the petitioner to avail appropriate remedy before the appropriate forum so as to prove his working with the respondent-department so as to claim regularization under the Instructions dated 01.10.2003 (Annexure P-2).

Disposed of.

May 15, 2024
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No