

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(248)

CWP-7389-2022

Date of Decision : May 01, 2024

Ranvir Singh and others

.. Petitioners

Versus

State of Haryana and others

.. Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Surinder Kumar Daaria, Advocate, for the petitioners.

Mr. Pankaj Middha, Addl. Advocate General, Haryana.

HARSIMRAN SINGH SETHI J. (ORAL)

1. In the present writ petition, the prayer of the petitioners is for the grant of regularization of their services under the policy dated 01.10.2003 (Annexure P-1).

2. Learned State counsel submits that as per the impugned order dated 03.01.2022 (Annexure P-5), the petitioners are not even the employees of the Department hence, the question of grant of regularization of their services does not arise.

3. Learned counsel for the petitioners submits that the respondents are intentionally trying to dispute the fact of employment of the petitioners with the department but the petitioners have worked with the respondents.

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

5. As per the judgment of the 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 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.”

6. In the present petition, the factual averment as to whether the petitioners are employees of the respondents is being disputed. That being so, the said issue cannot be decided in the writ petition. However, the petitioners will be free to avail appropriate remedy before the Civil Court so as to prove their allegations.

7. The present writ petition is disposed of in above terms.

May 01, 2024
harsha

(HARSIMRAN SINGH SETHI)
JUDGE

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