

2024:PHHC:030578
**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

138 CWP-5096-2024 (O&M)
Date of decision: 04.03.2024

Thaman Bhadur ..Petitioner

Versus

State of Punjab and others ..Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present: Mr. Janak Singh Bhinder, Advocate for the petitioner.

AMAN CHAUDHARY, J

1. The prayer in the present Civil Writ Petition filed under Article 226/227 of the Constitution of India, is for issuance of a writ in the nature of mandamus directing the respondents to regularize the petitioner as per the order dated 18.04.1995 in spite of 2002.
2. Learned counsel would contend that the petitioner was appointed as Chowkidar and promoted as Clerk and regularised in the year 2002. The petitioner is claiming for ante-dated regularisation w.e.f. 18.04.1995, in terms of the similarly situated person having been granted the same relief by this Court vide order dated 24.09.2012 (Annexure P11) passed in CWP-4528-1997. His case has been recommended by the Assistant Commissioner, State Tax, Sangrur, to Deputy Commissioner, State Tax, Patiala, vide letter dated 03.02.2021 (Annexure P8), followed by letters dated 06.07.2021 and 21.09.2021 (Annexure P9 and P10), but no final order was passed. In this regard, a legal notice dated 11.04.2023 (Annexure P12), has 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 a time bound manner by granting him an opportunity of hearing.

3. Notice of motion.

4. At the asking of the Court, Mr. Amarpreet Singh Bains, AAG, Punjab, accepts notice on behalf of the respondent-State and has no objection to the limited prayer made.

5. In view of the aforesaid and without commenting upon the merits of the case, this petition is hereby disposed of with a direction to the respondents to consider the legal notice dated 11.04.2023, Annexure P12 and decide the same taking note of the pleas raised and the judgment dated 24.09.2012 (Annexure P11), within a period of 6 months and if found entitled, necessary benefit be granted to him forthwith. However, in the eventuality of the relief being denied, a speaking order be passed, after associating him therewith.

04.03.2024

ashok

**(AMAN CHAUDHARY)
JUDGE**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No