

Upon notice of motion, respondents have filed the reply wherein the respondents have mentioned that though the petitioner was working and has also been reinstated in service with continuity keeping in view the order passed by the Labour Court but, as he was not appointed against the permanent post, he cannot claim the benefit of regularisation.

I have heard learned counsel for the parties and have gone through the records of the present case with their able assistance.

It is a settled principle of law that whenever a claim of the employee is to be considered for the grant of any benefit, due reasons needs to be mentioned either for accepting or for rejecting the said claim. The bare perusal of the impugned order would show that not even a single reason has been given as to why the claim of the petitioner has been declined for the grant of benefit of regularisation of his services. In the absence of any reason given, the impugned order cannot be sustained in the eyes of law.

Further, the petitioner was appointed in the service in the year 1984 and the present petition was filed in the year 2016 by which date, he already had 32 years of service to his credit and as per the policy which has been issued by the respondents even after the filing of the present writ petition keeping in view the judgment of the Hon'ble Supreme Court of India in "***State of Karnataka Vs. Uma Devi***", (2006) 4 SCC 1, any employee having 10 years of service was entitled for regularisation of his services, which benefit has also not been given to the petitioner hence, the impugned orders Annexure P-6 and Annexure P-11 dated 14.07.1997 to 13.01.2000 respectively are set aside and a direction is issued to the respondents to consider the claim of the petitioner for regularisation of his services in case, the same was not granted before the petitioner attained the

age of superannuation. In case, the services of the petitioner have been regularised after filing of the present petition, the respondents will not be liable to pass any order in terms of the present direction.

Let the present order be complied within a period of 8 weeks from the receipt of copy of this order.

Present writ petition is allowed.

Pending application, if any, also stands disposed off.

22-08-2024
Sapna Goyal

(HARSIMRAN SINGH SETHI)
JUDGE

NOTE: Whether speaking: YES/NO
 Whether reportable: YES/NO