



**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

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**CWP No.7806 of 1998
Date of Decision : 16.5.2024**

*Umesh Kumar**..... Petitioner*

versus

*The State of Haryana and others**..... Respondents*

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

Present: Mr. Sandeep Thakan, Advocate, for the petitioner

Mr. S.S. Mann, Addl. AG, Haryana

TRIBHUVAN DAHIYA J. (ORAL):

The petition has been filed, *inter alia*, seeking a writ of *mandamus* directing the respondents to consider the petitioner's case for regularisation in the light of Policy decision dated 7.3.1996 and 18.3.1996, Annexures P-2 and P-3 respectively.

2. The petition has been filed on the averments that the petitioner was appointed as Sweeper on daily wages in Government College, Loharu, District Bhiwani on 1.8.1990. His services were illegally terminated on 30.3.1993. He challenged the action before the Labour Court-cum-Industrial Tribunal, Hisar (for short 'the Tribunal') and the reference was answered in his favour vide award dated 28.11.1997, ordering reinstatement with continuity of service and fifty per cent back wages from the date of the demand notice. In compliance of the award, the petitioner was taken back in service on 19.3.1998. Since his claim for



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regularisation was not considered, he approached the Court by filing the instant petition.

2.1. Learned counsel for the petitioner contends that having been provided reinstatement with continuity of service, the petitioner is entitled to regularisation in terms of the Policy dated 7.3.1996 and 18.3.1996, since he would be deemed to have been completed more than three years service as on 31.1.1996.

3. Learned State counsel, on the contrary, points out that as per instructions received from Mr. M.K. Chahal, Principal/third respondent, subsequent to reinstatement on 19.3.1998, the petitioner was terminated from service again, and he challenged it in the Tribunal. As per subsequent award, dated 14.2.2002, he was re-engaged on 1.1.2003 and given eighty per cent back wages as well with prior sanction of the Higher Education Commissioner, vide order dated 23.12.2002. However, he left service with effect from 1.7.2004, and has never joined back.

4. Learned counsel for the petitioner is not in a position to dispute the aforesaid facts, as also that the petitioner has not raised any grievance with respect to his not being in service with effect from 1.7.2004.

5. That being the undisputed position, there is no ground to entertain the petition as his claim for regularisation cannot be considered.

6. Dismissed.

(TRIBHUVAN DAHIYA)
JUDGE

16.5.2024

Ashwani

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No