

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CWP-7221-2024
Date of decision : 01.04.2024

Chuhru Ram

... Petitioner

Versus

State of Punjab and others

... Respondents

CORAM: HON'BLE MR.JUSTICE VIKAS BAHL

Present: Mr.Bishan Dass Rana, Advocate
for the petitioner.

Mr.T.P.S. Walia, AAG, Punjab.

VIKAS BAHL, J.(ORAL)

1. This is a civil writ petition filed under Article 226/227 of the Constitution of India for issuance of a writ in the nature of certiorari quashing the regularization order dated 08.02.2019 (Annexure P-10) to the extent that the services of the petitioner have been regularized w.e.f. 05.11.2014 instead of 13.06.2003.
2. Learned counsel for the petitioner has submitted that the petitioner joined as Dak Runner on 12.10.1998 on daily wage basis and thereafter his services were terminated w.e.f. 28.02.2003. It is further submitted that the petitioner had filed proceedings before the Labour Court and the Labour Court vide Award dated 02.09.2013 ordered for the reinstatement of the petitioner with continuity of service and with 30% back wages from the date of demand notice till his joining and the respondent department was also directed to consider the case of the petitioner for

regularization as per the Departmental Rules and Instructions. It is stated that the respondent department vide impugned order dated 08.02.2019 had regularized the petitioner w.e.f. 05.11.2014 without taking into consideration the fact that the petitioner was reinstated in service with continuity of service vide Award dated 02.09.2013. It is further stated that the persons who were juniors to the petitioner were regularized on 13.06.2003 and thus, the petitioner also deserves to be regularized w.e.f. 13.06.2003. Learned counsel for the petitioner has relied upon the order dated 07.12.2018 (Annexure P-9) passed by the Chief Secretary, Water Resources Department Punjab. It is submitted that at any rate, the impugned order dated 08.02.2019 (Annexure P-10) passed by the Executive Engineer, Mansa Division, I.B. Jawaharke, deserves to be set aside to the extent that the date of regularization of the petitioner has been given w.e.f. 05.11.2014 instead of 13.06.2003 and the matter deserves to be reconsidered after considering the above said facts.

3. Learned State counsel appearing for respondents no.1 to 4 has submitted that the competent authority of respondent no.1 would take a fresh decision after taking into consideration the points, which have been raised by the learned counsel for the petitioner, which have been noticed hereinabove.

4. Keeping in view the above said facts and circumstances, the present petition is partly allowed and the order dated 08.02.2019 (Annexure P-10) is set aside to the extent that the services of the petitioner have been regularized w.e.f. 05.11.2014 and the matter is remanded to the competent authority of respondent no.1 to reconsider the matter moreso in the light of the facts which have been argued by learned counsel for the petitioner

before this Court and to take a fresh decision on the aspect of the date from which the services of the petitioner are to be regularized. The decision be taken by the competent authority of respondent no.1 within a period of two months from the date of receipt of the certified copy of the present order.

(VIKAS BAHL)
JUDGE

April 01, 2024
Davinder Kumar

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