



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

**CWP-11875-2020 (O&M)
Date of Decision: 14.10.2024**

Madan Singh

.....Petitioner

Versus

Haryana Urban Development Authority and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present:- Mr. B.S. Kanwar, Advocate for the petitioner.

Mr. Arvind Seth, Advocate for the respondents.

JASGURPREET SINGH PURI J.(Oral)

1. The present petition has been filed under Articles 226/227 of the Constitution of India seeking issuance of a writ in the nature of *mandamus* for directing the respondents to take necessary steps in view of the recommendations dated 16.03.2017 (Annexure P-14) and request dated 06.02.2017 (Annexure P-12) and order dated 14.03.2017 (Annexure P-13) and then issue fresh order modifying orders dated 02.05.1997 (Annexure P-4) and 03.04.2012 (Annexure P-5) and regularize the petitioner on the post of Work Munchi/Work Supervisor instead of Beldar.

2. Learned counsel appearing on behalf of the petitioner submitted that when the petitioner had earlier filed a writ petition before this Court bearing CWP-12785 of 1991 the same was decided on 23.05.2014 vide Annexure P-7, at that point of time, the petitioner already stood regularized as



Beldar and thus, nothing remained to be decided on that issue. However, since the petitioner had been working on the post of Work Munshi, the Coordinate Bench of this Court had also granted liberty, observing that for any other grievance of what the petitioner may ventilate, he may have his remedy by means of an independent writ petition in this regard. He submitted that, thereafter, the matter had been under active consideration with the respondents on the issue that the petitioner ought to have been regularized to the post of Work Munshi/Work Supervisor instead of the post of Beldar from the initial date but the same was kept pending before the respondents. He referred to a recommendation dated 06.02.2017 vide Annexure P-12 whereby the Superintending Engineer HUDA, Circle, Panchkula had requested the Chief Engineer, HUDA Panchkula, to regularize the services of the petitioner on the post of Work Munshi/Work Supervisor instead of Beldar w.e.f. 01.02.1996 on the basis that the daily wages services were counted as Work Munshi to avoid any further litigation. He further submitted that the matter is still pending before the respondent-HUDA and no final order has been passed with regard to the same and has prayed that a direction may be issued to respondent-HUDA to take a final decision on the aforesaid recommendation and also on the grievance of the petitioner that he ought to have been regularized as Work Munshi/Work Supervisor instead of Beldar w.e.f. 01.02.1996.

3. On the other hand, learned counsel appearing on behalf of the respondents submitted that so far as the aforesaid prayer of the petitioner with regard to passing of the final order by the respondents/competent authority is concerned, he submitted that the respondent-HUDA will pass a final order in this regard on the basis of the recommendation made by the Superintending



Engineer, HUDA Circle, Panchkula vide Annexure P-12 strictly in accordance with law and after giving an opportunity of personal hearing to the petitioner or his counsel although the petitioner has already been retired.

4. After hearing learned counsels for the parties, this Court is of the considered view that since now the final decision has to be taken by the respondent/competent authority as to whether the petitioner is to be regularised to the post of Work Munshi/Work Supervisor instead of Beldar w.e.f. 01.02.1996 and learned counsel for respondent-HUDA specifically stated that the final order will be passed by the competent authority in accordance with law, it is directed that the final order be passed in this regard by the respondent/competent authority within a period of four months from today after giving an opportunity of personal hearing to the petitioner or his counsel.

5. Disposed of in the aforesaid terms.

(JASGURPREET SINGH PURI)
JUDGE

14.10.2024

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