

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

LPA-761-2021 (O&M)
Date of decision:- 31.01.2024

State of Haryana and others
Versus
Bhoop Singh (since deceased) through his legal representative
Muniya
...Appellant(s)
...Respondent(s)

CORAM: **HON'BLE MS. JUSTICE RITU BAHRI, ACTING CHIEF JUSTICE**
HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present: Mr. Deepak Balyan, Additional Advocate General, Haryana,
for the appellants.

Ms. Alka Chatrath, Advocate,
Ms. Neha Singh, Advocate,
for the caveator-respondent.

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RITU BAHRI, A.C.J. (ORAL)

The appellants have come up in appeal against the judgement and order dated 20.04.2021 passed by the learned Single Judge, whereby the writ petition filed by the legal representative of the deceased – Bhoop Singh was allowed with a direction to the authorities to regularize his services w.e.f. 31.01.1996 in terms of the policy instructions dated 07.03.1996 and 18.03.1996 (Annexures P-4 and P-5) and grant him all the consequential benefits.

Learned counsel for the respondent states that pursuant to the impugned judgement passed by the learned Single, the benefit of regularization has been given to the family of the deceased employee. Learned counsel for the respondent has informed that the age of the deceased workman was 48 years when he died on 23.10.2018 and his family is getting salary till the age of 55 years and thereafter the family will get the family pension under the Haryana Compassionate Assistance to the Dependents of Deceased Government Employees Rules, 2006 (in short the 2006 Rules).

The main ground for challenging the impugned judgement passed by the learned Single Judge is that the deceased workman is not entitled to regularization as well as interest at the rate of 7% per annum. As far as the case of regularization is concerned, the deceased workman had been working since 03.02.1988 and his case was squarely covered by the instructions dated 07.03.1996 (Annexure P-4) which provided that the regularization will be given to the work-charged/casual/daily rated employees who have completed five or more years of continuous service as on 31.01.1996.

As far as the appellants are not able to show that the deceased workman has not worked for five years from 03.02.1988 till 31.01.1996, the impugned judgement passed by the learned Single Judge does not require any interference. Once the services are to be regularized, the family of the deceased workman are entitled to the benefit under the 2006, Rules and the benefit is being given by the department as of date as informed by learned counsel for the respondent.

Upon being terminated, the deceased workman approached the Labour Court, Gurgaon, which passed an award dated 10.04.2000 (Annexure P-1) vide which he had been re-instated with full back-wages. Thereafter, the appellants challenged the said award by filing CWP-15175-2000 which was dismissed by the learned Single Judge vide order dated 17.09.2009 (Annexure P-2) by restricting the back-wages to 50%. Further, the appellants preferred LPA-1312-2010 which was also dismissed by this Court vide order dated 06.01.2010. Thus, the issue with regard to implementation of the Labour Court award has attained finality after dismissal of LPA-1312-2010. Since the continuity of service was given to the deceased workman, directions have rightly been given by the learned Single Judge vide the impugned judgement to regularize him as well as grant him benefit under the 2006 Rules.

As far as the payment of interest to the deceased workman at the rate of 7% per annum, no ground is made out to interfere with the impugned judgement as it was his right to be regularized after the 1996 policy which was done in the year 2022. For this, the respondent is not to be blamed for any delay.

Therefore, no ground is made out to interfere with the impugned judgement passed by the learned Single Judge.

The appeal being meritless, accordingly, stands dismissed.

The appellants are directed to pay ₹ 50,000/- as costs to the legal representative of the deceased workman within a period of two weeks and inform this Court.

(RITU BAHRI)
ACTING CHIEF JUSTICE

(AMAN CHAUDHARY)
JUDGE

31.01.2024
Amodh Sharma

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