

2024:PHHC:026313

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

227

CWP-1290-2017

Date of Decision:26.02.2024.

GEJ

....PETITIONER

VS

STATE OF PUNJAB AND OTHERS

....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present: Mr. R.K. Arora, Advocate for the petitioner.

Mr. Manpreet Singh Atwal, DAG, Punjab.

AMAN CHAUDHARY J.

1. The present Civil Writ Petition has been filed under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of mandamus directing the respondents to grant the petitioner benefit of regularization from the due date by granting the petitioner.

2. Learned counsel would submit that the petitioner had been engaged as Beldar in the Department way back in March, 1988 and had been thereafter, continuously working on daily wage basis. He had approached this Court by filing in CWP-16718-2012 along with 16 others, seeking minimum of regular pay scale and regularisation, which was disposed of in light of the directions contained in CWP-14796-2013, decided on 11.01.2011 titled as Atar Singh vs. State of Punjab and if petitioners were found covered, relief be extended to them within a period of 04 months. It having not been, a contempt petition was filed, wherein the seniority list was placed

on record showing the petitioner had worked for 11 years and was assigned seniority No. 611 and the candidates, who were upto seniority list No.436 were regularised. He challenged before the Department his seniority position on the ground that period of service from 2004 to 2006 has not been taken into consideration treating it as 'NIL', which was subsequently verified and his claim was found to be correct, for which reference is made Annexures P-6 and P-7, giving dates on which he had works for 02 years. He though thereafter, granted regularisation vide order dated 15.02.2016, Annexure P-11 but from the date of the order, without taking into consideration the aforesaid Annexures P-6 and P-7, in specific the latter, where it was mentioned that in the year 2005, he had worked for 259 days, while in 2006 for 285 days.

3. At the stage, on instructions from the petitioner, learned counsel submits that the Department be directed to take a final decision in a time bound manner, for assigning the correct seniority, which would be at Serial No.336/A and granting regularisation from the date of his junior, namely, Sh. Ram Krishan, at Serial No.383.

4. Learned State counsel, on instructions, submits that he has no objection to the limited prayer made.

5. In view of the aforesaid and without commenting upon the merits of the case, this petition is hereby disposed of with a direction to respondents to consider and decide the same within a period of 06 months, keeping in view Annexures P-6 and P-7 and if found entitled, necessary

benefits be granted to the petitioner forthwith. However, in the eventuality of the relief being denied, a speaking order be passed, after associating him therewith.

(AMAN CHAUDHARY)
JUDGE

26.02.2024

pry

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