

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(108)

LPA-2229-2023 (O&M)

Decided on : 27.02.2024

Mahesh Kaushik

.....Appellant(s)

Versus

State of Haryana & others

.....Respondent(s)

**CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA,
ACTING CHIEF JUSTICE
HON'BLE MS.JUSTICE LAPITA BANERJI**

Present: Mr. Manoj Kaushik, Advocate for the appellant (s).

Mr. Deepak Balyan, Additional Advocate General, Haryana.

G.S. Sandhawalia, Acting Chief Justice (Oral)

CM-5580-LPA-2023

Application for condonation of delay of 66 days in filing the appeal, is allowed, in view of the averments made in the application, duly supported by affidavit of the appellant. Delay of 66 days in filing the appeal is condoned.

CM stands disposed of.

LPA-2229-2023 (O&M)

In the present letters patent appeal consideration is sought of the order of the learned Single Judge dated 20.07.2023 passed in CWP-22427-2017 filed by the appellant, who was petitioner No.2 in the said writ petition, alongwith one Suresh Kumar.

2. The learned Single Judge came to the conclusion that verification of 103 candidates had been done and these candidates had rightly been regularized and their salaries had been paid and, therefore, nothing survived in the writ petition.

3. Since challenge was raised to the regularization of 155 persons, counsel for the appellant has vehemently submitted that further aspect of conducting an inquiry regarding the illegalities committed by the concerned officers, the Municipal Corporation, Faridabad had not been adverted to and, therefore, list of employees for regularization who were ineligible candidates had also been done. It is further the contention of the counsel for the appellant that on an earlier occasion the matter had come before this Court in **LPA-2189-2016 ‘Municipal Corporation, Faridabad Vs. Presiding Officer and another’** decided on 30.11.2016 (Annexure P-4), wherein there was only mention of 117 workers, whose cases were to be considered, keeping in view the dispute which has arisen and there were findings of the Labour Court regarding the settlement arrived. Regarding the *locus-standi* of the appellant to maintain the writ petition at the initial stage, there was no satisfaction recorded, since the dispute was more in public interest litigation. The necessary pleading would have to be there to show that as to how the appellant was aggrieved as such.

4. It is not disputed that at present 103 persons have been taken on duty and their services have been regularized by the Corporation w.e.f. 01.10.2003, in view of the decision taken by the State Government dated 09.02.2017 (Annexure R-2/1). Since there was a restraint order passed on 29.09.2017/2018 in the writ petition at the initial stage, the case of rest of 113 workmen, who had joined their duty upto September 22, 2017 could not be taken up. The list of 103 workmen whose services have been regularized has also been appended by the State alongwith its written statement as Annexure R-2/4, filed before the learned Single Judge.

5. In such circumstances, we are of the considered opinion that the regularization which has been done, was in pursuance of the earlier orders passed in LPA-2189-2016 and, therefore, it does not lie in the mouth of the appellant, who is a daily-wager and has not come to the Court with clean hands as apparently his personal interests are involved, to seek directions for restraining the regularization of other persons who are entitled for regularization having served for long years.

6. Resultantly, we are of the considered opinion that it is not a fit case to interfere, since the matter had been disposed of by the learned Single Judge and the notice of the order passed by the Coordinate Bench while disposing of the appeal has to be kept in mind. Accordingly, there is no merit in the present letters patent appeal and the same is dismissed in limine.

(G.S. SANDHAWALIA)
ACTING CHIEF JUSTICE

27.02.2024
Naveen

(LAPITA BANERJI)
JUDGE

Whether speaking/reasoned :	Yes	
Whether Reportable :		No