



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(106)

CWP No. 18020 of 1998 (O&M)

Date of Decision : 22.01.2025

Vinod Kumar

...Petitioner

Versus

The State of Punjab and others

...Respondents

CORAM: *HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI*

Present: Mr. Gaurav Sharma, Advocate for the petitioner.

Mr. T.P.S. Chawla, Senior Deputy Advocate General, Punjab.

Harsimran Singh Sethi J. (Oral)

1. In the present petition, the grievance being raised by the petitioner is that he was entitled for the retrospective regularization from the year 1985, which is not being granted to him and, therefore, his claim for regularization with retrospective effect should be considered.

2. Learned counsel appearing on behalf of the respondent-State submits that the petitioner had filed CWP No. 2138 of 1989 and vide order dated 09.11.1992 a direction was given that the services of the petitioner should be regularized but no direction was given for retrospective regularization. Therefore, as per the direction, the services of the petitioner had already been regularized from the year 1994, hence, the claim of the petitioner that his services should be regularized with retrospective effect, may kindly be declined.



3. I have heard learned counsels for both the parties and have gone through the record with their able assistance.

4. Once, a Co-ordinate Bench of this Court while passing order in CWP No. 2138 of 1999 directed the department to regularize the services of the petitioner and since there was no direction that the same should be regularized with retrospective effect, the grant of benefit of regularization to the petitioner prospectively, cannot be termed as arbitrary and illegal. In case the petitioner was not satisfied with the direction given by the Co-ordinate Bench in his earlier petition to the effect that the petitioner was entitled for regularization of his services with retrospective effect, the petitioner should have availed appropriate remedy of appeal against the said order. Having accepted the said order and getting his services regularized, now the petitioner cannot turn around to claim another benefit which was not extended to him by the Co-ordinate Bench.

5. Keeping in view the above, no ground is made out for any interference by this Court in the present petition.

6. Dismissed.

January 22, 2025

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(HARSIMRAN SINGH SETHI)

JUDGE

Whether speaking/reasoned : Yes

Whether reportable : No