

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

2025:PHHC:007562



Date of Decision: 20.01.2025

CWP No.17942 of 1999(O&M)

Rajbir Singh

....Petitioner

vs.

The State of Haryana and others

....Respondents

CWP No.15055 of 2000(O&M)

Mukesh Kumar

....Petitioner

vs.

The State of Haryana and others

....Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: Mr. A.P.Bhandari, Advocate and
Ms. Bhargavi, Advocate
for the petitioners in both the petitions

Mr. Raman Sharma, Addl. A.G., Haryana

Mr. Raman B.Garg, Advocate and
Mr. Mayank Garg, Advocate
for respondent No. 4

JAGMOHAN BANSAL, J. (ORAL)

1. By this common order, CWP No. 17942 of 1999 and CWP No. 15055 of 2000 are hereby adjudicated as common questions of law and facts are involved. With the consent of both sides, facts are borrowed from CWP No. 17942 of 1999.



2. The petitioner through instant petition filed under Articles 226/227 of the Constitution of India is seeking setting aside of order dated 13.02.1997 whereby his services were terminated. He is further seeking direction to respondents to take him back into service.

3. The petitioner, to over come the situation arising out of strike, was appointed as Octori Clerk on 08.01.1997. His appointment was made without following procedure. He came to be terminated by order dated 13.02.1997. He represented to respondents to adjust him because there were instructions of the Government to the effect that employees who have joined during strike would be retained in service. This Court vide order dated 19.07.2011 disposed of the petition in the light of RSA No. 4193 of 2006 decided on 09.08.2007. The said order came to be recalled vide order dated 26.07.2013. Order dated 09.08.2007 passed by this Court in RSA No. 4193 of 2006 was challenged before Supreme Court by way of Special Leave Petition (C) No. 508 of 2008 which was dismissed vide order dated 26.07.2010.

4. Counsel for the parties are unable to point out whether petitioners before passing of orders dated 19.07.2011 and 26.07.2013 or thereafter joined back their services or not.

5. A period of almost three decades from the date of termination of petitioners has passed away. This Court does not find it appropriate to pass any order with respect to their re-appointment especially when they had worked for just one month.

6. Pending Misc. application(s), if any, shall stand disposed of.

(JAGMOHAN BANSAL)
JUDGE

20.01.2025
paramjit

Whether speaking/reasoned:	Yes	
Whether reportable:		No