



CWP-9187-2025

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

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CWP-9187-2025

Date of Decision: 01.04.2025

Sadhu Ram

...Petitioner

Versus

Haryana State Agricultural Marketing Board and others**...Respondents****CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL**

Present: - Mr. Sandeep Singh Singal, Advocate for the petitioner
Ms. Rajni Gupta, Additional Advocate General, Haryana

JAGMOHAN BANSAL, J. (Oral)

1. The petitioner through instant petition under Articles 226/227 of the Constitution of India is seeking direction to respondents to count his service rendered as Daily Wage Worker from 01.08.1996 to 30.09.2003 for the purpose of pension and retiral benefits.

2. The petitioner, on the earlier occasion, preferred CWP No.2836 of 2019 and CWP No.1698 of 2016. The respondent also filed CWP No.2264 of 2018 against the petitioner. All the three petitions were referred to Lok Adalat. The petitioner and respondent appeared before the Lok Adalat and with the consent of both sides, the following order came to be passed: -

“Parties have amicably settled these 3 writ petitions in Lok Adalat. Their joint statement has been recorded and is reproduced hereunder:-



“The parties have amicably settled these 3 Writ Petitions in Lok Adalat. CWP-2836-2019 and CWP-1698-2016 filed by Sadhu Ram-petitioner may be allowed to the following effect;-

Haryana State Agricultural Marketing Board shall pass fresh order regularizing the service of the petitioner to the post of peon w.e.f. 01.10.2003 on notional basis and w.e.f. 28.10.2014 on actual basis. The petitioner's salary shall be fixed with annual increments on the basis of notional regularization w.e.f. 01.10.2003 and actual payment shall be made w.e.f. 28.10.2014 till his superannuation on 31.01.2018 and his pension and other retiral benefits shall also be fixed and paid accordingly. All the arrears of pay and pension shall be paid to the petitioner-Sadhu Ram within 3 months from today, failing which he shall be entitled to get interest thereon at the rate of 7% per annum from 01.02.2018 till the date of actual payment.

CWP-22642-2018 filed by Haryana State Agricultural Marketing Board and its executive Engineer be allowed and the impugned order dated 23.01.2018 (Annexure P-11) and order dated 04.07.2018 (Annexure P-13) passed by the Executing Court of Civil Judge (Jr. Divn.), Rohtak be set aside and the execution petition filed by Sadhu Ram for execution of award dated 05.10.2002 of Labour Court be deemed to have been fully satisfied.

All the 3 writ petitions be disposed of accordingly.”

All the 3 writ petitions are disposed of in terms of the above said statement.

Copy of this order be supplied/sent to the counsel/parties and file be consigned to the record room.

Pending applications, if any shall stand disposed of.”

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3. The respondent has complied with aforesaid order. The petitioner, at this stage, wants that his services rendered during August 1996 to September 2003 as Daily Wage Worker should be counted for the purpose of pension and other retiral benefits.

4. The matter has been settled between the parties. At the time of disposal of aforesaid petition, the petitioner was free to raise issue of counting of past service. The petitioner, as per his wisdom, claimed regularization w.e.f. 01.10.2003 which was granted by the respondent.

5. In view of principle of constructive *res judicata*, the instant petition is not maintainable and the same is accordingly dismissed.

(JAGMOHAN BANSAL)
JUDGE

01.04.2025*Mohit Kumar*

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