

2025:PHHC:064703



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

108

**CWP-12118-2025 (O&M).
Date of Decision: 15.05.2025.**

RAMESH PANDEY

... Petitioner(s)

Versus

STATE OF HARYANA AND OTHERS

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ.

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

Mr. Tapan Kumar, DAG, Haryana.

VINOD S. BHARDWAJ, J. (ORAL)

Challenge in the present writ petition is to the notice dated 30.10.2023 and reply dated 08.05.2024 to the legal notice sent by the petitioner whereby the date of regularization has been altered from 01.10.2003 to 07.07.2014.

2 Learned counsel appearing on behalf of the petitioner has been confronted with the fact that as per the reply sent to the petitioner vide Memo No.3258 dated 08.05.2024, copy of the office order No.121 dated 30.10.2023 had been substituted rectifying the date of regularization as 07.07.2014 by granting pensionary benefits as per old Pension Scheme from the deemed date

2025:PHHC:064703



of joining of the plaintiffs from 01.03.2003 and 12.06.2003, however, despite the same there is no challenge to the said office order.

3 It is also undisputed that the petitioner had earlier instituted a civil suit for declaration and mandatory injunction against the order dated 23.07.2015, whereby the orders of regularization dated 11.09.2014 had been modified was illegal and alleging the same to be against the rules and that the order of regularisation of service w.e.f. 01.10.2003 was legal and as per rules. The said civil suit No.1072 dated 12.07.2017 was dismissed by the Civil Judge (Junior Division), Chandigarh vide judgment and decree dated 30.07.2018 against which the petitioner preferred Civil Appeal No.645 dated 07.09.2018 before the District Judge, Chandigarh. Vide this judgment and decree dated 05.07.2023, the civil appeal was partly allowed and the impugned judgment and decree dated 30.07.2018 passed by the Civil Judge (Junior Division), Chandigarh, was set aside. The suit was partly decreed to the effect that the plaintiffs (Plaintiff Ramesh Pandey petitioner herein) was held entitled to all pensionary benefits as per old Pension Scheme by treating the deemed date of joining of the plaintiffs from 01.03.2003 and 12.06.2003 respectively. The defendants were directed to pass appropriate orders after treating the service rendered by the plaintiffs on daily wage basis prior to regularization as qualifying service for the purpose of pension. Hence, the declaration to the effect that modification of date of regularization was incorrect was granted and only the benefit of service w.e.f. 01.03.2003 was extended.

4 In the said circumstances, the petitioner cannot ask for the relief that had been prayed for by him before the Civil Court and stands declined by the Civil Court, without any further challenge and in writ proceedings. In the

2025:PHHC:064703



event petitioner feels aggrieved that the subsequent alteration/modification is in violation of the benefit granted to him under the decree, the remedy available in law would be to file an execution of the said decree and not by way of a writ petition before this Court.

5 The present writ petition is accordingly disposed of as being not maintainable, with liberty to the petitioner to take recourse to the appropriate alternative remedy as per law, if so advised.

May 15, 2025.
raj arora

(VINOD S. BHARDWAJ)
JUDGE

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