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

**LPA-51-2025 (O&M)
Decided on: March 05, 2025**

Daljit Singh

....Appellant

versus

The Divisional Manager, Chandigarh Transport Undertaking-cum-
Director Transport and another

....Respondents

**CORAM: HON'BLE MR. JUSTICE SUDHIR SINGH
HON'BLE MRS. JUSTICE SUKHVINDER KAUR**

Present:- Mr. H.K. Brinda, Advocate for the appellant.

Mr. Shivansh Sood, Advocate for
Mr. Aman Bahri, Additional Standing Counsel
for the respondent – U.T., Chandigarh.

SUDHIR SINGH, J.

The present intra Court appeal is directed against the order dated 14.11.2024 passed by learned Single Judge, whereby the writ petition filed by the appellant, has been dismissed.

2. Before the learned Single Judge, the appellant had laid challenge to the award dated 27.02.2013 (Annexure P-8 with the writ petition), whereby the Labour Court had answered the reference against him.

3. The brief facts of the case are that the appellant, being an Ex-serviceman, joined the respondent/Chandigarh Transport Undertaking in December, 1998 for a period of 89 days. Subsequently, in July 1999, he was relieved. Vide an interim order dated 02.09.1999 passed by the Central

Administrative Tribunal (for short 'CAT'), he was ordered to be reinstated. Subsequently, on 24.08.2000, the Original Application (for short 'OA') filed by the appellant was disposed of by the CAT holding that he might be replaced by regular employee. During the process of regular selection, the appellant continued to work. He filed another OA before the CAT seeking regularization, wherein vide order dated 19.07.2001, the respondent was directed to decide his representation, which was so rejected, vide order dated 08.10.2001. Subsequently, the appellant filed 3rd and 4th OAs in 2001 and 2003, respectively before the CAT seeking regularization. The appellant had participated in the selection process for regular post in 1999-2001 and 2003-2006 carried out by the respondent, but he could not make the grade. Subsequently, his OAs were disposed of by the CAT vide order dated 24.12.2003. On account of his non-selection, he was relieved on 30.05.2007. Apart from him, 11 more workmen were relieved. Upon a reference on behalf of the appellant, the same was answered against him by the Labour Court.

4. It was the case of the respondent before the learned Single Judge that CAT vide its order dated 24.12.2003 had observed that there was no bar to replace the appellant by duly selected candidates against a regular post, and that upon regular selection in 2007, he was relieved. Similarly situated employees were also relieved on 30.05.2007. The Labour Court had ordered reinstatement of 11 persons as posts were lying vacant on 30.05.2007. In total 30 persons (out of whom, 29 had filed joint application and the appellant had filed separate application), at the most 12 persons could be adjusted because as on 30.05.2007, only 12 posts were lying vacant.

5. Learned Single Judge, after considering the rival contentions of the parties, has dismissed the writ petition, as noticed above.

6. Learned counsel appearing on behalf of the appellant has vehemently contended that the impugned order passed by the learned Single Judge is totally illegal and against the facts on record. It is further argued that, as has been noticed in the order passed by the learned Single Judge, similarly situated employees had been regularized by the respondent, whereas, the said relief has been denied to the appellant, and such arbitrary conduct on the part of the respondent, has totally been ignored by the learned Single Judge. It is further argued that observation of learned Single Judge that as the period of 17 years had elapsed and that any favourable order passed would amount to continuation of the appellant for an indefinite period, is not tenable in the eyes of law for the reason that illegality committed by the respondent cannot be allowed to be perpetuated. It is also argued that, though, the stand of the respondent before the learned Single Judge was that out of 30 persons, only 12 persons were to be regularized and it was so done, yet it could not be shown as to why the appellant had been singled out and denied the benefit of regularization.

7. On the other hand, on advance receipt of copy of appeal, Mr. Shivansh Sood, Advocate for Mr. Aman Bahri, Additional Standing Counsel for the respondent – U.T., Chandigarh, while defending the impugned order passed by the learned Single Judge, argues that the findings recorded by learned Single Judge are perfectly legal and valid, and that the appellant has got no equitable right in respect of his reinstatement.

8. We have heard learned counsel for the parties and have also gone through the impugned order passed by the learned Single Judge.

9. Learned Single Judge has found that the appellant was not selected against regular post and by following the regular selection process. It is conceded position on record that he had participated in the subsequent selection process carried out by the respondent and he could not make out the grade. It is also undisputed position on record that his claim for regularization had been turned down by the CAT and subsequently by this Court as well. Thus, we find that finding of the learned Single Judge that owing to the aforesaid circumstances and the law laid down by the Hon'ble Supreme Court in the case of **Secretary, State of Karnataka Vs. Uma Devi, (2006) 4 SCC 1**, the appellant had got no right to seek his continuity in service, does not suffer from any illegality or perversity, which may warrant any interference by this Court.

10. No other point has been urged.

11. Hence, the present appeal is dismissed.

12. Pending application(s), if any, shall also stand disposed of.

(SUDHIR SINGH)
JUDGE

(SUKHVINDER KAUR)
JUDGE

March 05, 2025

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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No