
(1994) 12 P&H CK 0069

In the Punjab And Haryana At Chandigarh

Case No : Civil Writ Petition No. 9729 of 1994 and C.M. No. 11431 of 1994

Dharam Pal

APPELLANT

Vs

The State of Haryana and Others

RESPONDENT

Date of Decision : 13-12-1994

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (1995) 109 PLR 483

Hon'ble Judges : S.P. Kurdukar, C.J.;V.K. Bali, J

Bench : Division Bench

Advocate : Bhoop Singh, for the Appellant; D.D. Gupta, for the Respondent

Final Decision : Allowed

Judgement

S.P. Kurdukar, C.J. and V.K. Bali, J.—Admitted, pleadings in this case are complete. By consent, writ petition placed on board and called out for hearing.

2. There is a very checkered history to the present litigation which the petitioner has set out in the list of events. After going through the various dates, we have no manner of doubt that the respondents did not wish to comply with the orders of the Court and as a result, the petitioner had to file several contempt petitions. Each time, an order was made in favour of the petitioner setting aside termination of his services and it is fortunate for the respondents that the Court did not take serious notice of flouting the orders of the Court. The main contention of the respondents appears to be that the petitioner did not fulfill the condition of number of working days as per the Government resolution dated May 27, 1993, and further clarified by another resolution dated March 18, 1994, for regularisation of his services. The petitioner b paragraph 8 of the writ petition, has given the details of his service record from April, 1982 till date. He has also mentioned the various places where he was posted and had worked. Despite the clear averments in the writ petition in paragraph 8, the respondents have chosen to file a very slip-shod affidavit without specifically denying the averments contained in paragraph 8 of the writ petition. Reply to paragraph 8 of

the writ petition reads very interesting and in our opinion, it does not make out any head or tail. The emphasis on behalf of the respondents appears to be on the statements, Annexures R-I and R-2 when we asked Mr. Gupta, the learned counsel for the respondents to explain both these documents with reference to paragraph 8 in the writ petition about the service and posting of the petitioner at various places, the learned counsel was unable to explain the same properly. By way of illustration, we may point out that Annexure R-II is totally silent about the service of the petitioner after Nov. 1987 till May, 1989. Mr. Gupta, the learned counsel for the respondents, tried to draw support from the additional affidavit of Mr. Ravinder Singh Lamba, Divisional Forest Officer, Ambala, at Yamuna Nagar, and relied upon Annexures R-1 and R-III. Even these documents do not reflect the correct position. Mr. Gupta, however, urged that in order to qualify for regularisation of services, the petitioner is required to show that he has been working for five years preceding the relevant Government resolutions issued in the years 1993 and 1994. Assuming that the learned counsel for the respondents is correct, what still survives is that if the returns filed on behalf of the respondents do not reflect the real state of affairs, it would be improper to rely upon such affidavit and negative the positive claim set up by the petition on oath in the writ petition. From the record, it appears that the respondents have been terminating the services of the petitioner on one or the other count despite the stay orders issued by the Court from time to time. It is expected that the State would act fairly and justly and would not deprive its employee of his services without any cogent and valid reasons.

3. After going through the pleadings of the parties, we are satisfied that it is a fit case where this Court must issue a direction and we do so. The respondents are directed to regularises the services of the petitioner without any further delay. In view of this direction, the impugned communication dated July 7, 1994, Annexure P-1 is quashed. The petitioner has also filed Civil Miscellaneous Application No. 11431 of 1994, for taking action under sections 177 193 199 and 200, Indian Penal Code, for giving false information. In the view which we have taken in this writ petition, the learned counsel for the petitioner, did not press this application. Application to stand rejected.

4. Writ petition allowed in the above terms.