

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS
CIVIL APPEAL NO(s). 7166 OF 2004

HARYANA URBAN DEVELOPMENT
AUTHORITY AND & ORS.

Appellant (s)

VERSUS

DARSHAN SINGH

Respondent(s)

(With office report)

Date: 15/12/2010 This Appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE B. SUDERSHAN REDDY
HON'BLE MR. JUSTICE SURINDER SINGH NIJJAR

For Appellant(s) Mr. Kamaldeep Gulati, Adv.
Dr. Kailash Chand,Adv.

For Respondent(s) Mr. Shree Pal Singh,Adv.

UPON hearing counsel the Court made the following
O R D E R

The appeal is dismissed with costs in terms of the
signed order.

(DEEPAK MANSUKHANI)
Court Master

(RENUKA SADANA)
Court Master

(The signed order is placed on the file)
IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 7166 OF 2004

Haryana Urban Development
Authority & Ors.

....Appellants

Versus

Darshan Singh

....Respondent

O R D E R

Heard learned Counsel for the parties.

This appeal is directed against the Order of the High Court whereby directions have been issued by the High Court directing the appellants herein to regularise the services of the respondent to Class IV post, i.e. Mali-cum-Chowkidar. The respondent was appointed as Mali on 1-12-1987 on daily wages in the year 1995. He sought his regularisation in the said post w.e.f. 2-12-1989 on the basis of the policy of the Govt. of Haryana dated 27-5-1993. Since, there was no response, he filed a Writ Petition which was disposed of by Division Bench on 9-12-1995 directing the appellants herein to consider and decide the claim of the respondent. On consideration, his claim was rejected. Thereupon, the respondent again filed another Writ Petition challenging the order of rejection. That Writ Petition was allowed by Division Bench on 22nd September, 1998. The Division Bench in clear and categorical terms found that the

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respondent was eligible for regularisation. That order has been passed particularly placing reliance on the statement made by the appellants herein through its Counsel that the impugned order therein may have to be considered to have been withdrawn and the claim of the respondent to be decided afresh in accordance with the instructions issued by the State Government. That order of the Division Bench have become final.

Even after disposal of the said Writ Petition, the appellants did not regularise the services of the respondent. In the circumstances, the respondent herein filed a Contempt Petition which came to be disposed of by Order dated 27 th July, 2001 directing the appellant herein to comply with the Order dated 22nd September 1998 which, in turn, was disposed of by the statement made by the appellant that the services of the

respondent would be regularised.

Inspite of the directions so issued in the Contempt Petition, the appellants once again rejected the claim of the respondent by the impugned Order dated 26th November, 2001. The Division Bench vide the impugned order having considered the case and more particularly, the order passed by the Division Bench on 22nd September, 1998 came to the conclusion that the observations made by the Division bench in the said order is binding upon the appellants and the same will operate as res-judicata against them. We do not find any error to have been committed by the Division Bench in directing the

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regularisation by respondent herein. Be it noted that the Order dated 22nd September, 1998 by the Division Bench was passed specifically on the submissions made by the learned Counsel for the appellants that the impugned order therein rejecting the claim of the respondent for regularisation of the services shall be deemed to have been withdrawn. In the said order, the Division Bench made it clear that the respondent herein was eligible for regularisation. We find it difficult to discern as to how the appellants could go back on its own statement and refuse to regularise the services of the respondent who happens to be a very low category employee. It is a case of harrasment of the respondent by the appellant.

For the aforesaid reasons, we do not find any merit in the appeal and the same is accordingly dismissed with costs.

.....J.
(B. Sudershan Reddy)

.....J.
(Surinder Singh Nijjar)

New Delhi
December 15, 2010