

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal(Civil)...../2004
(CC:8991)

(From the judgement and order dated 07/08/2003 in CWP 6640/03
of The HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH)

STATE OF HARYANA & ORS.

Petitioner (s)

VERSUS

RAJ KUMAR
With I.A.1(C/delay in filing SLP and office report)

Respondent (s)

Date : 03/12/2004 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE S.N. VARIAVA
HON'BLE MR. JUSTICE H.K. SEMA

For Petitioner (s)Mr. Praveen Kumar Rai, Adv.
Ms. Kavita Wadia, Adv.

For Respondent (s)

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

Delay condoned.

A letter has been circulated by the learned counsel for the Petitioners that this matter should be tagged along with C.A. No.1276/2001. In that matter the question involved is whether the Department of Forest can be considered to be an 'industry' within the meaning of Industrial Disputes Act.

No such question is involved in this Special Leave Petition. In this Petition there is already an Award directing reinstatement of the Respondent with continuity of service and 40% back wages. That Award does not seem to have been challenged and has become final. The Respondent sought regularisation of service which was refused on the ground that he was not continuously in service. All that the High Court has said is that once there was an Award holding that he was to be reinstated with continuity in service then it could not be said that he was not continuously in service. We see no infirmity in the decision of the High Court. The Special Leave Petition is dismissed.

(K.K. Chawla)
Court Master

(Jasbir Singh)
Court Master