



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CWP-231-2016 (O&M)

Date of decision: 14.07.2026

Rajinder Singh

...Petitioner(s)

Vs.

State of Haryana and others

...Respondent(s)

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present:- Mr. Rajesh Hooda, Advocate
for the petitioner.

Mr. Harish Kumar Nain, D.A.G., Haryana,

NIDHI GUPTA, J.

Present Civil Writ Petition under Articles 226/227 of the Constitution of India has been filed by the petitioner for the issuance of a writ in the nature of Mandamus directing the respondents to regularize the petitioner under the policy of regularization dated 7.3.1996/18.3.1996 w.e.f. 01.02.1996 in view of clarification issued by the State Government dated 18.6.2014 (Annexure P/10), as the State Government has regularized the services of others similarly situated large no. of employees in the year 2014 under the regularization policy of 7.3.1996/18.3.1996. The Petitioner is working without any break for the last more than 30 years; **and** set aside the order dated 24.1.2013 (Annexure P/8) whereby the respondent no. 3 had rejected the case of the petitioner being time barred despite the fact that the petitioner was held to be entitled to regularization vide order dated 27.5.2005 and his



case was recommended to the government to sanction one post of labourer. The petitioner is fully entitled to regularization w.e.f. 01.02.1996 under the policy of regularization dated 7.3.1996/18.3.1996.

2. Brief factual background of the case in chronological order is as follows: -

Year 1985: In the year 1985, the petitioner was appointed as labourer in the nursery at Nada (Pinjore) under the office of Divisional Forest Officer. It is contended that petitioner has been working continuously for the last about 30 years.

15.05.2004: Vide order dated 15.05.2004, services of the petitioner had been terminated.

18.03.2005: The said order dated 15.05.2004 was challenged by the petitioner by way of **CWP-8421-2004**; and also for regularization of his services. Vide order dated 18.03.2005 (Annexure P-3), the said **CWP-8421-2004** was disposed of by this Court with liberty to the petitioner to make a detailed Representation to the respondents and further directing that in case any such Representation is made by the petitioner, the respondents shall take a decision thereupon by passing speaking order.

04.04.2005: Accordingly, petitioner submitted detailed Representation dated 04.04.2005.

27.05.2005: In the meantime, respondent No.3 had passed order dated 27.05.2005 (Annexure P-4); whereby petitioner was held entitled to regularization w.e.f. 01.02.1996 on the basis of the Regularization Policy



of the State Government dated 07.03.1996 and its amendment dated 18.03.1996. However, it was observed that due to non-availability of regular Group 'D' post for the petitioner, it was necessary to get the post sanctioned from the Government; for which proposal was being sent to the higher official to get the post of labourers sanctioned from the Government. In the order dated 27.05.2005 (Annexure P-4), it was further observed that as soon as the post is sanctioned, necessary orders for regularization of the petitioner as labourer will be issued.

10.4.2006: On 10.4.2006, Hon'ble Supreme Court rendered judgment in the case of **State of Karnataka vs. Uma Devi AIR 2006 SC 1806**.

26.10.2006: Pursuant thereto, vide order dated 26.10.2006 (Annexure P-5), the Deputy Conservator Forest informed the petitioner that after passing of the judgment in **Uma Devi's case (supra)**, services of the petitioner cannot be regularized.

13.4.2007: Thereafter, State Government vide Notification dated 13.04.2007 (Annexure P-6) rescinded all the Policies of regularization in view of the judgment of **Uma Devi's case (supra)**.

10.2.2011: Vide order dated 10.02.2011 (Annexure P-7), the respondent No.2/Principal Chief Conservator of Forest issued general directions to send the case of employees who were eligible for regularization prior to judgment dated 10.04.2006 but could not be regularized for any reason.

5.12.2012: On 05.12.2012, petitioner again submitted his application for regularization.



24.1.2013: Vide impugned order dated 24.01.2013 (Annexure P-8), request of the petitioner was rejected on the ground that order rejecting petitioner's application for regularization had been passed on 26.10.2006 (Annexure P-5); and now the case of the petitioner is time barred.

18.6.2014: State Government issued Instructions dated 18.06.2014 (Annexure P-9).

15.9.2014: The petitioner again submitted his application dated 15.09.2014 (Annexure P-11) for regularization.

3. Learned counsel for the petitioner *inter alia* submits that despite passing of the order dated 27.05.2005, services of the petitioner were not regularized. Learned counsel contends that now State Government had issued Instructions dated 18.06.2014 (Annexure P-9); whereby it is provided that services of those Group 'C' and 'D' employees/workers will be regularized who have worked for not less than 3 years as on 28.05.2014 and are still in service. Ld. counsel submits that accordingly, petitioner being eligible, has again submitted his application dated 15.09.2014 (P-11) for regularization. However, to no avail.

4. Learned counsel further submits that the action of the respondents in not regularizing the Petitioner despite the fact that the case of the petitioner is squarely covered under the policy dated 18.6.2014 and he was fully eligible to be regularized w.e.f. 1.2.1996 and an order had also been passed on 27.5.2005, for regularizing the service



of the petitioner, however, his services could not be regularized due to administrative reasons i.e. non-sanctioning of one group 'D' post by the State Government on time and subsequent passing of the Judgment by Hon'ble Supreme Court in **Uma Devi's Case supra**.

5. It is submitted that the action of the respondents in not regularizing the services of the petitioner without assigning any cogent reason is illegal, arbitrary, unreasonable, discriminatory and is against the settled principles of law, as the respondents cannot discriminate between similarly situated employees. The identically situated employees have been regularized and the petitioner is being denied the same benefit of regularization for the reasons best known to the respondents. The action of the respondents is totally arbitrary, discriminatory, and violative of article 14 of the Constitution of India.

6. It is accordingly prayed that the present Writ Petition be allowed and following prayers be accepted:

"i) a writ in the nature of Mandamus directing the respondents to regularize the petitioner under the policy of regularization dated 7.3.1996/18.3.1996 w.e.f. 01.02.1996 in view of clarification issued by the State Government dated 18.6.2014 (Annexure P/10), as the State Government has regularized the services of others similarly situated large no. employees in the year 2014 under the regularization policy of 7.3.1996/18.3.1996. The Petitioner is working without any brake for the last more than 30 years.

AND

ii) set aside the order dated 24.1.2013 (Annexure P/8) whereby the respondent no. 3 had rejected the case of the



petitioner being time barred despite the fact that the petitioner was held to be entitled to regularization vide order dated 27.5.2005 and his case was recommended to the government to sanction one post of labourer. But in the meantime, Judgment in Uma Devi's case came and his case was not considered. Now in view of the clarification issued by the State Government dated 18.6.2014 (Annexure P/10), the petitioner is fully entitled to regularization w.e.f. 01.02.1996 under the policy of regularization dated 7.3.1996/18.3.1996."

7. *Per contra*, learned counsel for the respondent-State has vehemently opposed submissions advanced on behalf of the petitioner and firstly clarified that respondents have not regularized any employee, who is similarly situated as the petitioner. It is clarified that Annexure P-13 to Annexure P-15 relied upon by the petitioner to allege discrimination, pertain to Public Work Department B & R Branch, Haryana and the cases of the employees therein are distinguishable as the said persons were regularized against sanctioned posts available.

8. It is further submitted that as per the Policy dated 18.06.2014, it is the condition that employees/workers can only be regularized against sanctioned vacant post and that post should be there at the time of initial appointment and also at the time of regularization. It is submitted that is already noted in order dated 27.5.2005, at the time of initial regularisation of the petitioner, sanction post was not available. Thus, as noted in the order dated 27.05.2005 (P-4), petitioner could not be regularised at the relevant time due to non-availability of



regular Group 'D' post. Thus, petitioner is not eligible under the Instructions.

9. It is further vehemently submitted that in any event, there is no question of regularising services of the petitioner as the petitioner had himself abandoned his service in September 2009 and, thereafter, he has not worked for the respondents till date. It is pointed out that no material whatsoever has been brought on record by the petitioner to substantiate his claim that he had worked continuously for the respondent-State for 30 years. No Pay Slip, Appointment Letter, Letter of Extension has been produced by the petitioner to buttress his claim for 30 years' continuous service. Rather, petitioner has made wrong submission in his petition and has wrongly stated, that he is still working at Kot Nursery in Forest Department and that the respondent had not paid any salary to the petitioner after July 2016. It is accordingly prayed that the present Writ Petition be dismissed.

10. No other argument is raised on behalf of learned counsel for the parties. I have heard Id. counsel and perused the case file in detail. I find merit in the submissions advanced on behalf of the respondent-State.

11. It is the contention of the petitioner that since the year 1985, petitioner has worked without any break in the respondent-Forest Department for the last about 30 years. However, the said contention of the petitioner is not borne out from any material on record. Rather, to the contrary, pursuant to, and in compliance of order dated 03.04.2017



passed by this Court, respondent No.4 has filed an Affidavit dated 24.04.2017 in para 6 whereof, it has been categorically stated as follows:

“6. That the services of the petitioner could not be regularised at this stage in view of the fact that, as per the service record of the petitioner, he has abandoned the service on his own in the month of September, 2009 and thereafter, he has not worked for the respondent-department till date. A translated copy of report of Range Officer dated 2.6.2015 along with translated copy of latest verification report dated 15.04.2017 are enclosed with instant affidavit as Annexure R-4/3 & R-4/4.”

12. Thus, the respondents in their affidavit have unequivocally stated that the petitioner had abandoned his service as far back as September 2009; and had thereafter not worked with the respondent; and therefore, there was no question of regularisation of his service. It must be noted that no replication has been filed by the petitioner controverting the above said assertion made by respondent No.4.

13. It would further appear from the record that the respondents had conducted an enquiry into the matter. Upon which a Report/letter No. 161 dated 02.06.2015 (Annexure R-4/3) was received from the Range Forest Officer, Panchkula to Divisional Forest Officer, Morni Pinjore Forest Division, Pinjore wherein it is stated as follows: -

“Subject:- Legal Notice

Reference: Your letter No 1233 dated 26-05-2015



On the subject cited above it is intimated that vide Dy Conservator of Forests Morni Pinjore order No 107 dated 26-10-2006 Sh Rajinder Singh S/o Sh Ranjeet Singh Village Bhareli Distt Panchkula was given a notice in which seven days time was given speaking order was cancelled by Divisional Forest Officer. After that Sh Rajinder Singh Labourer have not taken only stay order. Divisional Forest Officer Morni Pinjore have written letter No 605 dated 27-04-2010 & 2897 dated 02-07-2010 copy of which is attached. Sh Rajinder Singh Labourer is not working anywhere in this Range from September 2009. Report is submitted to you for further necessary action.

14. Similarly, perusal of Memo dated 15.04.2017 (Annexure R-4/4) issued by the Range Forest Officer, Panchkula to Divisional Forest Officer, Morni, Pinjore Forest Division, shows that it is stated therein as follows:-

“Subject:- CWP No 231/2016 Rajinder Singh Vs State of Haryana

On the subject cited above it is intimated that vide letter No 161 dated 02-06-2015 of Panchkula Range to Divisional Forest Officer Morni, it was intimated that Sh Rajinder Singh S/o Sh Ranjeet Singh Labourer was not working anywhere in this Range after September 2009, so there is no question of his balance payment from July 2016. Report is submitted to you for further necessary action.”

15. As already noted above, petitioner has not filed any replication, controverting or disputing the above said submissions made



by the respondents in their written statement. It is also to be seen that the aforesaid facts have been withheld by the petitioner in present Writ Petition. Thus, it is undisputedly established on record that the petitioner had abandoned his service in September 2009; whereafter he has not worked in the respondent-department. The present Writ Petition deserves to be dismissed on this short ground itself.

16. Furthermore, reliance of the petitioner upon the letter dated 27.05.2005 (Annexure P-4) is also mistaken as a perusal thereof shows that it is categorically mentioned therein that *“Sh. Rajinder Singh son of Sh. Ranjit Singh labourer, is working from 11/1991, from time to time as Daily Wager under the Social Forestry, Forest Division, Ambala. But as per the orders of the Government, to implement the contract system in the Forest Deptt., the Divisional Forest Officer, S.F. Forest Division, Ambala vide his letter no. 3509 dated 15.5.2004 had issued the retrenchment notice to Sh. Rajinder Singh labourer under the I.D. Act, 1947.....”* Clearly, therefore, petitioner had only worked with the respondent department from time to time as daily wager. For this reason as well, petitioner is not entitled to regularisation.

17. There is also merit to the submissions on behalf of the respondent-State that petitioner has failed to produce any evidence whatsoever to show that he has been in continuous service since the year 1985/1991. Needless to say, if the petitioner had indeed continued in service for 30 years, there would be some Pay Slip or Muster Roll, ID

card et cetera available with the petitioner to prove his continuous service.

18. From the above facts, it is clear that petitioner is not eligible for regularization in terms of the relied upon Policy dated 07.03.1996 and its amendment dated 18.03.1996. Petitioner can also derive no benefit from the order dated 27.05.2005 (Annexure P-4); whereby his case was recommended for regularization in view of uncontroverted fact that the petitioner has abandoned his service in September 2009.

19. Consequentially, present Civil Writ Petition stands **dismissed**.

20. Pending application(s) if any also stand(s) disposed of.

14.07.2026

Divyanshi

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No

(NIDHI GUPTA)
JUDGE