

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Date of decision : May 13, 2015

1. C.W.P No. 12889 of 1996 (O&M)

Bahadur Singh and others vs State of Haryana and others

2. C.W.P No. 18948 of 1996

Raj Pal and others vs The State of Haryana and others

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : None for the petitioners in CWP No.12889 of 1996.

Mr. M.L Saini, Advocate
for the petitioners in CWP No.18948 of 1996.

Ms. Shruti Goel, AAG Haryana

1. **Whether Reporters of Local Newspapers may be allowed to see the judgment ?**
2. **To be referred to the Reporters or not ?**
3. **Whether the judgment should be reported in the Digest ?**

Ajay Tewari, J (Oral)

This order shall dispose of CWP Nos.12889 and 18948 of 1996, as similar questions of law and facts are involved therein.

By these writ petitions, the petitioners had claimed regularization as per the policy of 1993. In the reply, the stand which was taken was that though the petitioners were in the employment in 1993 yet for being entitled to regularization as per the policy of 1993, they had to be in service for a period of five years prior to 1.4.1993 and the muster roll in respect of that period had been weeded out as per the government instructions and, therefore, the claim of the petitioners could not be acceded

to. This Court had directed the Labour Court Ambala to give a report on this aspect, after conducting an inquiry. By report dated 1.10.2014, the Presiding Officer Labour Court Ambala has sent a report wherein it has been mentioned that since it is the respondents who have not been able to produce the record which was in their custody, an adverse inference can be drawn against them.

The issue before this Court is whether the petitioners are entitled for regularization on the basis of the above finding. It is not disputed that for the past 21/22 years, in any case the petitioners are working with the respondents. Keeping in view the fact that they are Class IV employees and the fact that, as pointed out by the Presiding Officer Labour Court, an adverse inference can be drawn against the respondents, in my considered opinion, these writ petitions should be allowed. Consequently, both these writ petitions are allowed and the respondents are directed to regularize the services of the petitioners as per the policy of 1993.

In CWP No.12889 of 1996, the petitioners had claimed that they were working as chowkidars and in the reply it has been clarified that there is no sanctioned post of chowkidar and the post in existence is that of protection watcher. In my opinion, the use of the word chowkidar by the petitioners could very easily be as a result of loose translation by them. The petitioners be regularized as protection watcher.

May 13, 2015
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(AJAY TEWARI)
JUDGE

