

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

C.W.P. No.9965 of 1993 (O&M)

Date of Decision :01.04.2015

Om Parkash

..... Petitioner

Versus

State of Haryana & others

..... Respondents

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present : Mr.Karan Bhardwaj, Advocate
for the petitioner.

Mr.Ashok Singh Chaudhary, Addl. A.G., Haryana.

Mr.C.B.Goel, Advocate
for respondent No.2.

1. Whether Reporters of local papers 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)

By this writ petition the petitioner has challenged the order dated 27.07.1993 (Annexure P-3).

The petitioner was appointed on 24.12.1985 on daily wages and continued to work. By order Annexure P-3 his services were regularized as Peon-cum-Chowkidar. By this writ petition he claimed that he should have been regularized as a Laboratory Attendant and not as a Peon-cum-Chowkidar. When the writ petition came up for motion hearing it was directed that status quo with respect to the job of the petitioner be maintained. Consequently he has continued to work on

daily wages for the last 30 years.

Today learned counsel for the petitioner states that he has instructions not to press the petition on merits and the petitioner has now reconciled to be treated as a regular Peon-cum-Chowkidar.

Learned counsel for the respondents states that he has no objection if the petitioner wants to withdraw the petition but has stated that the petitioner can be treated as a regular employee only from today because he had challenged the order of 27.07.1993.

In my opinion the caveat put in by learned counsel for the respondents can not be accepted. No doubt the petitioner challenged the order of 27.07.1993 but the fact remains that he was working on a higher post through out as a Lab Attendant and was being paid the daily wages of a lower post. It is also not disputed that the petitioner was qualified to be appointed as a Lab Attendant.

In these circumstances I see no reason to restrict the benefit of the regularization order in the manner as prayed by learned counsel for the respondents and direct that the petitioner be treated as a regular Peon-cum-Chowkidar from 27/07/1993.

It is further not disputed that had the petitioner not challenged the order he would have been granted the regular pay scale of Peon-cum-Chowkidar. It is not the case of the respondents that the petitioner has not worked during this period. Consequently the petitioner would be deemed to be in the regular pay scale of Peon-cum-Chowkidar from the date of the impugned order. The respondents are directed to work out the benefits and grant the same within 3 months

from the receipt of certified copy of this order failing which the petitioner shall be entitled to claim interest @7% per annum.

April 01, 2015

pooja sharma-I

**(AJAY TEWARI)
JUDGE**