

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Civil Writ Petition No.13057 of 2012
Date of Decision: July 30, 2015

Ram Autar

...Petitioner

Versus

The State of Haryana & others

...Respondents

CORAM: HON'BLE MR.JUSTICE AMIT RAWAL, JUDGE

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?

Present: Mr.Ajay Jain, Advocate,
for the petitioner.

Dr.Sushil Gautam, DAG, Haryana,
for the State.

AMIT RAWAL, J. (Oral)

The petitioner has knocked the door of this Court for issuance of a writ in the nature of mandamus directing the respondents to regularise his services as per policy decision dated 28.7.1994, i.e., from the date he had completed two years of service.

Mr.Ajay Jain, learned counsel appearing on behalf of the petitioner submits that the petitioner was appointed as Driver on 18.5.1994 vide Annexure P-1. Though the petitioner was appointed for a period of 75 days, but his period of appointment was extended from time to time and his services were regularised on 14.5.1998. He further submits that the claim for regularisation was due in the year 1996 when the petitioner had

completed two years of service as per the policy dated 28.7.1994 and in this regard, the petitioner had also sent a legal notice, but no action had been taken. He has further pointed out that the similar objection, as raised in the present writ petition that since the policy aforementioned had been withdrawn on 17.11.1995, therefore, the benefit could not be granted and accordingly the petitioner's services had been regularised as per the policy dated 23.3.1998, has already been discussed by this Court in Civil Writ Petition No.11174 of 1997 (Raj Kumar and others Versus State of Haryana and others), decided on 25.11.1997, wherein despite having similar objection, the relief has been granted.

Dr.Sushil Gautam, learned Deputy Advocate General, Haryana appearing on behalf of the State submits that since the policy had been withdrawn on 17.11.1995, therefore, the petitioner could not be given the benefit of regularisation after rendering two years of service and rightly so his services have been regularised on 14.5.1998 in pursuance to 1998 policy.

I have heard the learned counsel for the parties and appraised the paper book.

I have gone through the judgment dated 25.11.1997 rendered in Raj Kumar's case (supra), wherein the similar objection that the policy of 1994 had been withdrawn on 17.11.1995, therefore, the benefit of regularisation after the expiry of two years of service could not be given to the similarly situated persons has been pondered upon and it has been held that once the right had accrued as per the policy de hors of the fact that the same has been withdrawn, the persons eligible under the old policy would

be granted the benefit of regularisation.

The instant case is of similar kind, where the petitioner has completed two years of service on 14.5.1996 and at that time, three posts of Drivers were available, which fact is clear from Annexure R-3/T. Accordingly, the respondents ought to have regularised the services of the petitioner w.e.f. May, 1996 and not from 14.5.1998 as has been done vide Annexure P-2.

Accordingly, the writ petition is allowed. The services of the petitioner shall be treated to have been regularised w.e.f. 1.5.1996 and he will also be entitled to all consequential benefits.

July 30, 2015
ramesh

(AMIT RAWAL)
JUDGE