

CWP No.15097 of 2013(O&M)

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

Date of decision : 14.05.2015

1. CWP No.15097 of 2013(O&M)

Rajinder Kumar

..... Petitioner

versus

State of Haryana and others

..... Respondents

2. CWP No.17659 of 2013(O&M)

Dhan Raj

..... Petitioner

versus

State of Haryana and others

..... Respondents

3. CWP No. 5899 of 2015(O&M)

Balwan

..... Petitioner

versus

State of Haryana and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present: Mr.R.K.Malik, Sr. Advocate with
Mr.Kuldeep Sheoran, Advocate for the petitioner/s.

Ms.Shruti Goyal, AAG, Haryana.

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)

This order shall dispose of the above mentioned three petitions. Since common questions of law and fact are involved therein, they are being disposed of by this common order. For ready

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reference facts are being taken from CWP No. 15097 of 2013.

The petitioner was appointed on daily wages on 13.07.1994. His services were illegally terminated. He approached Labour Court. Vide award dated 2.3.2006 passed by the Labour Court, the petitioner was reinstated with continuity of service and full back wages from the date of demand notice. State filed CWP No. 9885 of 2006 against the award of the Labour Court. This Court set aside the award and granted lump sum compensation of Rs. 25,000/- to the petitioner. He approached the Hon'ble Supreme Court and vide judgment dated 25.8.2010 the Hon'ble Supreme court reinstated the petitioner with continuity of service but without back wages. He was taken back in service. In the meantime the Haryana Government took a decision to regularise the services of all daily wagers who completed 3 years of service on 30.09.2003 but the petitioner's claim was rejected on the ground that the said policy had been withdrawn by the State in 2008. However, some similarly situated employees who were junior to the petitioner and were denied regularisation on the same ground filed a writ in this Court which was allowed on 11.01.2012 and services of those juniors have been regularised w.e.f. 04.02.2013. The petitioner also served demand notice to the respondents to consider his case for regularisation but to no avail. He then filed CWP No. 7241 of 2013 which was disposed of on 5.4.2013 with a direction to take final decision on the legal notice dated 25.02.2013 but his claim was rejected on 05.07.2013. That is why he has come up before this Court.

In support of his claim learned senior counsel has relied

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upon a decision of this Court passed in a bunch of 19 petitions one of them being CWP No. 10017 of 2011 decided on 28.05.2014 involving this very issue whereby all the petitions were allowed and the petitioners therein were granted the benefit of regularisation from the date their juniors were granted the said benefit. He has also relied upon another single bench decision of this Court in CWP No. 21400 of 2013, Anil Kumar v. State of Haryana and others, decided on 07.05.2015 which also completely covers the case of the present petitioner/s. Learned AAG has not been able to cite any contrary judgment.

No other point has been argued.

In view of the above judicial pronouncements the aforesaid petitions are allowed. Respondents are directed to regularise the services of the petitioner/s with effect from the date their juniors were regularised with all consequential benefits. Necessary exercise be completed within a period of three months from the date of receipt of a certified copy of this order.

Since the main case has been decided, the Civil Misc. Application, if any, also stands disposed of.

(AJAY TEWARI)
JUDGE

May 14, 2015
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