

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

**CWP- 2326 of 2011 (O&M)
Date of Decision : 20.05.2015**

Chhabi Lal & ors.

.... Petitioners

Vs.

The State of Haryana & ors.

.... Respondents

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present : Mr. Jagdish Manchanda, Advocate
for the petitioners.

Ms. Shruti Goyal, A.A.G., Haryana.

Mr. Mohnish Sharma, Advocate
for respondents No.2 to 7.

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 petition the petitioners are seeking regularization and have challenged the orders (Annexures P-8 and P-9), thereby their case for regularization of services has been rejected.

The undisputed facts are that the petitioners were appointed between the year 1987-1997. In the aforesaid orders it has been accepted that the petitioners are otherwise entitled for regularization of their services and the only reason advanced for not acceding their claim is the fact that no regular sanctioned vacant post was available when they were recruited and even till date. It is not

disputed that the petitioners were appointed between the year 1987 to 1997. Though their services were terminated at one point of time yet owing to the intervention of the Labour Court/this Court they were all reinstated with continuity of service. Consequently, it has to be held that the petitioners have now been in the job for the period between 18 to 27 years. Even in the written statement, the only ground taken is that no regular sanctioned vacant post was available. It is in this context that the claim of the petitioners has to be evaluated. In this connection, the learned counsel for the petitioners has relied upon the judgment of this Court in the matter of **Anand Walia and others vs. Haryana Urban Development Authority and others**, reported as **2013(3) SLR 611**, wherein this Court held as follows:-

“9.....As far as availability of sanctioned posts is concerned, in my opinion, considering the fact that the petitioners had been working in the establishment for the last more than 12 years itself shows that the work available is of continuous nature. We are living in the era of technology. Every record is being computerised. HUDA is the only wholly controlled agency in the State for urbanisation. It has developed urban estates in almost all the cities of the State and is controlling lacs of plots.

The entire record thereof pertaining to ownership, transfer or payment of instalments etc. is required to be maintained. The job is not temporary in nature. The persons are required on regular basis.....”

Similarly in the present case also the petitioners are working as Sweeper, Mali and Chowkidar. Once they have continued to work for such long period it cannot be countenanced that the posts are

not regular in nature. No contrary judgment has been cited. No other argument has been raised by the learned counsel for the petitioners.

In the circumstances, this petition is allowed. The impugned orders are set aside and the respondents are directed to regularize the services of the petitioners.

Since the main case has been decided, the pending civil miscellaneous application, if any, also stands disposed of.

May 20, 2015
Pooja Sharma-I

(AJAY TEWARI)
JUDGE