

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

Civil Writ Petition No.21400 of 2013 (O&M)

Date of Decision: May 07, 2015

Anil Kumar

...Petitioner

Versus

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.R.K.Malik, Senior Advocate with
Mr.Tejpai Dhull, Advocate,
for the petitioner.

Mr.Hitesh Pandit, Addl.A.G.Haryana,
for the State.

AMIT RAWAL, J. (Oral)

CM No.7822 of 2014

Prayer in the application is to place on documents Annexures
P-10 and P-11. Allowed subject to all just exceptions.

CWP No.21400 of 2013

The challenge in the present writ petition is to the impugned
action of the respondents in not regularising the services of the petitioner
w.e.f. 1.10.2003, i.e., the date when his juniors, the detail of which has been
given at page 6 of the paper book, have been regularised. The detail of the
juniors of the petitioner, is extracted herein below:-

<i>Name</i>	<i>Date of appointment on daily wages</i>	<i>Date of regularization</i>
Balbir Singh s/o Ram Chander, Beldar	06/10/95	01/10/03
Virender Singh s/o Sukhbir Singh, Bill Distributor	01/11/95	01/10/03
Devender Kumar s/o Om Parkash, Water Pump Attendant	01/11/95	01/10/03
Parkash s/o Rameshwar, Beldar	01/12/95	01/10/03
Hitler s/o Maha Singh, Beldar	01/12/95	01/10/03
Rai Singh s/o Raj Sarup, Beldar	01/12/95	01/10/03
Satish Kumar s/o Ranbir Singh, Beldar	01/12/95	01/10/03
Birju s/o Kamal, Mali-cum-Chowkidar	01/01/96	01/10/03
Sudhir s/o Hawa Singh Mali-cum-Chowkidar	01/01/96	01/10/03
Neer Pal s/o Tara Chand, Keyman	01/01/96	01/10/03
Raj Kumar s/o Sat Narain, Bill Distributor	14.3.1996	01/10/03
Satyawan s/o Phool Kumar, Fitter Helper	14.3.1996	01/10/03
Mahavir s/o Maman Singh, Water Pump Attendant	01/04/96	01/10/03
Rajesh s/o Bhim Singh, Beldar	01/04/96	01/10/03
Satish Kumar s/o Bani Singh, Beldar	01/06/96	01/10/03
Virender Kumar s/o Ranbir Singh, Beldar	01/06/96	01/10/03
Kanwar Singh s/o Inder Singh, Beldar	7/1996	01/10/03

It is a matter of record that the services of the petitioner have been regularised w.e.f. 1.7.2014.

Mr.R.K.Malik, learned Senior Counsel assisting by Mr.Tejpall Dhull Advocate, appearing for the petitioner submits that the petitioner was appointed as a daily wager on 1.10.1995 and thereafter his services were illegally terminated on 3.6.1996 and in pursuance to the reference being raised, the Labour Court announced the award in favour of the workman, which, has attained finality upto the Hon'ble Supreme Court and on 2.6.2010, the petitioner was taken back in service. As per the policy dated

1.10.2003 (Annexure P-4), the Government had decided to regularise the services of the daily wagers, who had completed three years of service as on 30.9.2003 and vide Annexure P-5, the case of the petitioner was sent for regularisation on 30.5.2011. However, vide order dated 10.4.2013 (Annexure P-6), the case of the petitioner was returned back with the observation that the policy pertaining to 2003 had been withdrawn. He submits that since the case of the petitioner was covered by the 2003 policy, therefore, the action of the respondents was illegal and accordingly the Executive Engineer on 20.6.2013 (Annexure P-7) again recommended the case of the petitioner for regularisation in the light of the policy, but the services of the petitioner have not been regularised. He has further stated that similarly situated persons had filed a writ petition in this Court, whose services have been regularised, vide judgment dated 11.1.2012 (Annexure P-8). He has further drawn the attention of the Court to Annexure P-11 dated 18.6.2014, whereby the State had decided to regularise the services of the employees who had been left out.

Mr.Hitesh Pandit, learned Addl.A.G.Haryana appearing for the State submits that the services of the petitioner have been regularised w.e.f. 1.7.2014 and there is no nothing wrong in the action of the respondents in not regularising the service w.e.f. 1.10.2003.

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

It is a matter of record that the services of the aforementioned juniors have been regularised w.e.f. 1.10.2003, but the fact remains that the petitioner, who is senior to the aforementioned persons, his services have

been regularised w.e.f.1.7.2014. No explanation, much less, reason has been given for not regularising the services of the petitioner w.e.f. 1.10.2003.

The State is not adopting uniform policy in regularising the services of the petitioner. The action of the State in regularising the services of the persons, who have been approaching this Court, is deprecated. The State is directed to adopt a uniform policy in regularising the services of the similarly situated persons, including the petitioner while taking into consideration the seniority and to avoid discrimination as envisaged under Articles 14 and 16 of the Constitution of India.

In view of what has been observed above, the petitioner is held entitled to regularization of his services from the date his juniors have been regularised, i.e., 1.10.2003. The respondents are directed to regularise the services of the petitioner from the aforementioned date, i.e., 1.10.2003. The petitioner shall also be entitled to all consequential benefits, if any.

It is expected that the compliance of the order shall be completed within a period of three months from the date of receipt of certified copy of this order.

The writ petition stands allowed.

May 07, 2015
ramesh

(AMIT RAWAL)
JUDGE