

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

**CWP No.24551 of 2014
Date of decision : 17.09.2015**

Ajit Singh

....Petitioner

Versus

State of Haryana & ors.

....Respondents

CORAM: HON'BLE MR. JUSTICE MAHESH GROVER

Present: Mr. Ashwani Bakshi, Advocate
for the petitioner.

Mr. Hitesh Pandit, Addl. AG, Haryana.

Mahesh Grover, J. (Oral)

The petitioner prays for regularization of his service in terms of the policy of the year 2003 of the State Government (hereinafter referred as the policy) which envisages the benefit of regularization to all his employees, who have completed 3 years service as on 30.09.2003 and were in service on that date.

The petitioner was enrolled as daily wager on 22.10.1996 and his services were terminated on 27.12.2001. He claimed reference under the Industrial Disputes Act and the Labour Court decided the issue of validity of termination order in his favour vide award dated 20.08.2009 (Annexure P-2) entitling the petitioner to reinstatement in service with backwages to the extent of 30% on the basis of last drawn salary.

If that be so, the petitioner would be deemed to be in service as if the termination order had not intervened, thereby lending continuity of the service of the petitioner. By deeming fiction of law, he would be considered to be in service w.e.f. 22.10.1996 and entitled to regularization being in service on the prescribed date i.e. 30.09.2003 as per the policy.

The respondents have also denied consideration to the petitioner on the ground that the policy was withdrawn in 2007 but by virtue of another notification on 18.06.2014, all the policies, which were earlier withdrawn by notification dated 13.04.2007, stood revived. This particular aspect is opposed by the respondents, who state that even this notification is under re-consideration.

Be that as it may, whether these notifications would have any effect on the claim of the petitioner is a debatable issue with the answer necessarily going in favour of the petitioner for the reason that by virtue of the award of the Labour Court, he would be deemed to be in service w.e.f. 22.10.1996. The award came into existence on 2009 and noticing the continuity in service as per award, the petitioner would be in service on the said date i.e. 30.09.2003, which would clearly entitle him to regularization of the service.

Consequently, the present petition is accepted and the respondents are directed to confer the benefit of regularization in terms of the policy upon the petitioner. Necessary orders in this regard be passed within a period of four weeks from the date of receipt of certified copy of the order and all consequential benefits flowing to the petitioner be released to him within a period of six weeks thereafter.

17.09.2015
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(Mahesh Grover)
Judge