

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Case No. : C. W. P.No. 24360 of 2015

Date of Decision : November 20, 2015

Balwan and others Petitioners

Vs.

State of Haryana and others Respondents

Case No. : C. W. P.No. 24380 of 2015

Date of Decision : November 20, 2015

Dharambir and others Petitioners

Vs.

State of Haryana and others Respondents

CORAM : HON'BLE MR. JUSTICE DEEPAK SIBAL.

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To be referred to Reporters or not ?

Whether the judgment should be reported in the digest ?

* * *

Present : Mr. C. S. Singh, Advocate
for the petitioners.

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DEEPAK SIBAL, J. :

These two writ petitions being **C. W. P. No. 24360 of 2015** and

C. W. P. No. 24380 of 2015, involving similar questions of fact and law,

were taken up for hearing together and are being disposed of by this common judgment. For the sake of convenience, facts are being extracted from **C. W. P. No. 24360 of 2015**.

The petitioners seek quashing of order dated 01.05.2015, through which their representation for regularization of the services had been rejected. The petitioners further seek for issuance of a direction to the respondents to absorb/adjust them against the vacant sanctioned posts in the Health Department and regularize their services.

It is not disputed that the petitioners, who were employed as Sanitary Supervisors/Sawasthya Sahayaks in the Department of Health, Government of Haryana, as seasonal workers, were relieved between the years 1992-94 and ever since then, they are out of service.

For the relief claimed in the present petition, they had earlier approached this Court through **C. W. P. No. 15534 of 2012 – Balwan and others vs. State of Haryana and others**, which petition was dismissed by a learned Single Judge through order dated 14.08.2012. In an intra-court appeal, preferred against the aforesaid order being **L. P. A. No. 1956 of 2013 – Balwan and others vs. State of Haryana and others**, a Division Bench passed the following order :-

*“Learned counsel appearing on
behalf of the appellants wants to withdraw*

this appeal with liberty to pursue the matter with the Government for regularization of services of the appellants by making a detailed representation.

Dismissed as withdrawn with the aforesaid liberty.

However, we hope that in case any representation is made, the same shall be considered and decided expeditiously, in accordance with law.”

As per liberty granted by the Division Bench, the petitioners made a representation to the respondents, which was rejected by the order impugned in the present petition.

I have heard learned counsel for the petitioners and have also gone through the record with his able assistance.

The first and foremost issue, which arises in the present case, is of delay and laches. The petitioners, who were working as Sanitary Supervisors/Sawasthya Sahayaks as seasonal workers, were relieved way back between the years 1992-94 and ever since are out of service. It is too late in the day to consider their cases for regularization, especially in view of the gap of over 20 years between the year of their relieving and the filing

of the present petitions. Even the earlier writ petition filed by them was in the year 2012 i.e. after 18 years of their relieving. Thus, according to me, the present petition is highly belated.

Irrespective of the above, even on merits, the petitioners have no case. They rely on instructions dated 07.05.1991 (Annexure P-1) and regularization policies dated 29.07.2011 (Annexure P-2) and 18.06.2014 (Annexure P-6). So far as instructions dated 07.05.1991 are concerned, this issue has already been considered in the earlier writ petition filed by the petitioners being **C. W. P. No. 15534 of 2012 – Balwan and others vs. State of Haryana and others**, and rejected by holding as under :-

“Claim of the petitioners for appointment on the regular sanctioned or to be sanctioned posts as per the policy dated 7.5.1991 (Annexure P-3) is totally misplaced. No such right has been conferred upon the petitioners for claiming benefit of regularization/absorption. What has been provided therein is the mode of appointment and termination of the services as and when required. There is nothing mentioned with regard to the claim as has

been projected by the petitioners in the present writ petition for regularization/absorption of their services. Although an assertion has been put-forth by the petitioners in this writ petition that this very policy with regard to the mode of appointment and termination is not being followed by the respondents but no specific instances to that effect has been mentioned nor have the persons, who have been appointed in violation of the policy decision dated 7.5.1991, been impleaded as party respondents.

The claim, therefore, made in the present writ petition being without any merit deserves to be dismissed.”

I have gone through the above quoted order and concur with the same.

Reliance on regularization policies dated 29.07.2011 (Annexure P-2) and 18.06.2014 (Annexure P-6) is misplaced as, to be covered under the regularization policies, an employee is required to be in

service of the State of Haryana on the date so mentioned in the respective policy. It is the admitted position that the petitioners were relieved at least over a decade prior to the issuance of either of the policies.

In view of the above, finding no merit in both these petitions i.e. **C. W. P. Nos. 24360 and 24380 of 2015**, the same are hereby ordered to be dismissed, with no order as to costs.

A photocopy of this judgment be placed on the file of other connected case.

**(DEEPAK SIBAL)
JUDGE**

November 20, 2015

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