

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

**C.W.P. No.5354 of 2014**

**Date of Decision : 21.07.2015**

Nihal Singh

..... Petitioner

Versus

HSIIDC and others.

..... Respondents

**CORAM : HON'BLE MR.JUSTICE AJAY TEWARI**

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

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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 petitioner has sought regularization from the date his juniors were regularized.

The undisputed facts are that the petitioner was appointed as a daily-wager in June, 1995. On 25.05.1999 his services were terminated and he moved the Labour Court. By award dated 27.05.2003 the Labour Court set aside the termination order and ordered his reinstatement with continuity of service but restrict the benefit of back-wages to 50%. Thereafter the respondent No.1-Corporation filed a writ petition against the said award which was also dismissed by this Court on 04.12.2009. Subsequently, the respondent No.1-Corporation implemented the Labour Court's award and passed an order dated 05.10.2010 ordering reinstatement of the petitioner on daily wage basis with continuity of service. During this interregnum the respondent No.1 had promulgated policy (Annexure P-5) for regularization of its employees but the

same was withdrawn by the State Government vide notification dated 24.04.2007. Since the petitioner was not in service at that time his name was not considered. Thereafter the petitioner started representing to the respondent-Corporation seeking regularization of his services under the State Government Policy from the date his juniors were regularized since it has been upheld upto this Court that once the benefit of continuity of service is granted to a terminated employee by the Industrial Tribunal, the employee would be deemed to be in service on the cut off date given in the regularization policy. That prayer having been rejected he is before this Court.

Even before this Court the only stand taken by the respondent-Corporation is that at the time when the policy decisions were in force the petitioner was not on the rolls of the Corporation and now he could not be regularized since the said policy decisions have been withdrawn by the State Government.

In my opinion, the argument of the learned counsel for the respondent-Corporation cannot prevail. Once the petitioner has been granted continuity of service it would be deemed that he was in service on the date when the policy was introduced and therefore the respondent-Corporation would have to consider his claim of regularization from the date/s his juniors were regularized.

Petition stands disposed of in the above terms. The respondent No.1-Corporation is directed to pass final order within a period of two months from the date of receipt of a certified copy of this order. In case the claim is accepted consequential benefits be granted within a further period of two months.

**July 21, 2015**  
*sanjiv*

**( AJAY TEWARI )**  
**JUDGE**