

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

**CWP No.8411 of 2013
Date of decision: 30.07.2015**

Pawan Kumar

... Petitioner

Vs.

State of Haryana and others

... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

1. Whether reporters of local newspapers may be allowed to see judgment?
2. To be referred to reporters or not?
3. Whether the judgment should be reported in the Digest?

Present:- Mr. Jagjeet Beniwal, Advocate
for the petitioner.

Mr. Rajneesh Chadwal, DAG, Haryana.

AMIT RAWAL J. (Oral)

The petitioner has knocked the door of this Court for challenging the memo dated 28.02.2013 (Annexure P-9), whereby the claim of the petitioner for regularization in service has been rejected on the ground that he had not completed three years of service on daily wages basis as on 31.01.1996, whereas, his services have to be regularized w.e.f. 01.02.1996 instead of 01.10.2003.

Mr. Jagjeet Beniwal, learned counsel for the petitioner submits that case of the petitioner is squarely covered by a Division Bench judgment of this Court dated 12.12.2005 rendered in CWP

No.5750 of 2003 (Annexure P-5), whereby, similarly situated persons, who, were appointed in the year 1993 have been regularized by taking into consideration the policy of 1996 i.e. 18.03.1996 and the respondents were directed to regularize his services with effect from 01.02.1996 instead of 01.10.2003.

Mr. Rajneesh Chadwal, learned Deputy Advocate General appearing on behalf of the State submits that condition envisaged in the policy of year 1996 is that the persons who were to be regularized should have completed 3 years of service by 31.01.1996 from the date of his appointment i.e. 19.03.1993 and since the petitioner had not completed 3 years of service, therefore, he is not entitled to be regularized and he would be entitled for regularization of his services with effect from the year 2003 under the policy of 2003 on having completed 3 years of service in each calender year. The contention of the State that the petitioner has raised claim for regularization of service in the year 2012, whereas, representation was decided in the year 2003, is not sustainable, in the eyes of law and viz-a-viz other persons, it was not incumbent upon the respondents to give benefit to all similarly situated persons.

I have gone through the Division Bench judgment dated 12.12.2005, Annexure P-5 and found that case of the petitioner is squarely covered by the ratio decidendi in the aforementioned judgment and inasmuch as that petitioner in the aforesaid matter was appointed in the year 1993 and he had completed 240 days' service

in that subsequent year on 31.1.1996 and therefore, the petitioner is entitled to regularization of his services in the year 1996, in the light of observations in **Ram Dhari versus The Chief Wild Life Warden, Haryana and another, 1996(1) SLR 722.**

I accordingly, allow writ petition and direct that the petitioner's services be deemed to be regularized with effect from 01.02.1996 and he shall also be entitled to all consequential benefits.

(AMIT RAWAL)
JUDGE

July 30, 2015
savita