

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No. 13510 of 1994 (O&M)
Date of Decision:- 05.02.2016

Punnu Swami & others

...Petitioners

Versus

The Chief Administrator, HUDA and others

...Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

**Present: Mr. Gaurav Bakshi, Advocate,
for petitioner No.6.**

**Mr. Abhilaksh Grover, Advocate
for the respondents.**

RITU BAHRI, J. (Oral)

Counsel for petitioners is pressing this writ petition only for regularization of petitioner No.6.

Facts in dispute with regard to the joining of petitioner No.6, who was appointed in the year 1983. As per details given in para No.2 of the petition, the petitioner had completed 11 years with HUDA till the date of filing of the petition i.e. 21.09.1994. In pursuance of decision of the Co-ordinate Bench of this Court in case **Mahender Singh Vs. HUDA, 2015(3) LLJ 389**, the State of Haryana had issued instructions dated 27.05.1993 (Annexur P-1) for regularization of service of daily wages employees, who have completed period of five years service on 31.03.1993

Accordingly, petitioner No.6 made demand notice dated 27.07.1994 (Annexure P-3), claiming regularization of his service in pursuance of the policy/instructions dated 27.05.1993 (Annexure P-1).

On the other hand, learned State counsel submits that on 11.05.1994, Haryana Government further issued instructions (Annexure R-2) regarding regularization of the daily rated employees whereby it has been decided that the daily wages employees who have worked for five years and have worked for minimum period for 240 days in each year should be regularized but break in service in any year should not be more than one month time. Keeping in view the instructions the service of petitioner No.6 was not regularized as there was break in service i.e. 10/1988, 7/1989 to 12/1989, 2/1990, 6/1991, 7/1992 and 3/1993.

However, this issue has been settled by this Court in **Mahender Singh's case (supra)** whereby it has been held mere fact that petitioners were not in service as on 01.04.1988 would not disentitle them for regularization.

In the present case, petitioner No.6 has been in service since 1983 and for all intents and purposes, he is covered by the instructions/policy 27.05.1993 (Annexure P-1) and his notional breaks period have to be discarded in view of the above-said judgment.

Accordingly, the present petition is disposed of with the direction to the respondents to regularize the service of petitioner No.6 w.e.f. 31.03.1993 with all consequential benefits.

February 05, 2016

naresh.k

(**RITU BAHRI**)
JUDGE