

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No.16044 of 2005 (O&M)
Date of Decision:- 11.04.2016

Veermati

....Petitioner

Versus

State of Haryana and another

....Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

**Present: Mr. Ajay Chaudhary, Advocate,
for the petitioner.**

Mr. Ravi Partap Singh, Asstt. Advocate General, Haryana.

RITU BAHRI, J. (Oral)

Petitioner is seeking directions for quashing of the order dated 19.08.2005 (Annexure P-3) and condition No.8 of Notification dated 10.02.2004 (Annexure P-2) whereby it is required that only those daily wages Group 'C' and 'D' employees are eligible for regularization who had been engaged before 31.01.1996.

This condition No.8 of the Notification dated 10.02.2004 (Annexure P-2) has come up for consideration before the Division Bench of this Court in case **CWP No.9708 of 2004** titled **Ajit Singh Vs. State of Haryana and others**, decided on **04.02.2015** whereby it was held that condition No.8 of the Notification dated 10.02.2004 (Annexure P-2) was held to be unreasonable and arbitrary on the ground that a daily wager, who

has three years of service from 30.01.1996 could be entitled for regularization whereas the services of the person like the petitioner, who having over five years of service could not be regularized. The impugned notification could not apply retrospectively to take away the vested rights of the petitioner, whose services had already been regularized prior to the amendment.

In the present case, the petitioner had been appointed on 22.10.1998 as Beldar on daily wages and has a right to be considered for regularization as per policy dated 01.10.2003, without insisting on the condition No.8 of the notification dated 10.02.2004 (Annexure P-2), which has been quashed, by the Division Bench of this Court.

In view of above, the present writ petition is allowed. The order dated 19.08.2005 (Annexure P.-3) is set aside and directions to the respondents to regularize the petitioner and to pass a speaking order in view the above-said judgment of the Division Bench of this Court, within a period of three months.

April 11, 2016
naresh.k

(RITU BAHRI)
JUDGE