

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

**CWP No.3227 of 2007
Decided on :06.01.2016**

Ramji Dass and another
... Petitioners
Versus
State of Punjab and others
... Respondents
(2)

CWP No.2276 of 2007

Sukhminder Singh
... Petitioner
Versus
State of Punjab and others
... Respondents
(3)

CWP No.2299 of 2007

Harinder Pal Singh and another
... Petitioners
Versus
State of Punjab and others
... Respondents
(4)

CWP No.2350 of 2007

Avtar Singh
... Petitioner
Versus
State of Punjab and others
... Respondents
(5)

CWP No.2366 of 2007

Kulwinder Singh and others
... Petitioners
Versus
State of Punjab and others
... Respondents

(6)

CWP No.2468 of 2007

Bhupinder Singh

... Petitioner

Versus

State of Punjab and others

... Respondents

(7)

CWP No.3231 of 2007

Balwinder Kumar

... Petitioner

Versus

State of Punjab and others

... Respondents

(8)

CWP No.3234 of 2007

Balram Bagga

... Petitioner

Versus

State of Punjab and others

... Respondents

(9)

CWP No.3295 of 2007

Subhash Chander

... Petitioner

Versus

State of Punjab and others

... Respondents

(10)

CWP No.3329 of 2007

Jasbir Singh

... Petitioner

Versus

State of Punjab and others

... Respondents

CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA

Present : Mr. K.S. Khehar, Advocate for the petitioner (s).

Mr. Avinit Avasthi, AAG, Punjab.

G.S. Sandhawalia , J. (Oral)

The present order shall dispose of ten writ petitions i.e. CWP Nos. 3227, 2276, 2299, 2350, 2366, 2468, 3231, 3234, 3295 and 3329 of 2007. The facts are being taken from **CWP No. 3227 of 2007 titled as 'Ramji Dass and another Vs. State of Punjab and others'**.

Reply by way of short affidavit of Shri Rajinder Singh Saini, Superintending Engineer on behalf of respondent No.3 in CWP No.3227 of 2007 has been filed in Court, in pursuance of order dated 14.10.2015. The same is taken on record.

The petitioners in the present cases have challenged the order dated 06.02.2007, whereby the regularization order passed in their favour for the post of Canal Patwari on 04.04.2002/15.05.2002 and various other dates was withdrawn.

Vide the impugned order the respondent No.3 had come to the conclusion that the regularization made was against the category to which the petitioners did not belong and they had been wrongly regularized. The said exercise was done after issuing a show cause notice and taking reply, in view of the earlier order passed by this Court on 29.08.2006 in an earlier round of litigation.

It is not disputed that the writ petitions were thereafter admitted and the operation of the said order was stayed, by virtue of which the petitioners in 2007 have continued on the said post.

In view of the subsequent developments and the fact that they had continued in service, this Court passed the following order on 14.10.2015:-

“Counsel for the State prays for time to comply with the order dated September 09, 2015. It is submitted that it had been wrongly brought to the notice of this Court that the petitioners have been regularized subsequently, though two of the petitioners have retired in the year 2012.

It is also pertinent to mention that the petitioners are in service since the year 2002. The challenge is to the regularization order, which has been withdrawn. The petitioners were allowed to continue in service vide order dated 02.03.2007.

Accordingly the respondents are directed to take a decision on the issue of regularization also, keeping in view the length of service of the petitioners and as per prevalent policy of the Government. Let, an affidavit be filed in this regard before the next date of hearing.

In case the requisite affidavit is not filed, then respondent No.3 shall be present in the Court to explain the facts.

Adjourned to 02.12.2015.

Photocopy of this order be placed on the file of other connected cases.”

In pursuance of the abovesaid directions, a fresh order now has been passed on 26.11.2015, which has been appended with the affidavit filed today. The claim of the regularization has been denied on various grounds including the fact that they had

not passed Patwar examination, which was mandatory as per the statutory rules and they were not eligible for the appointment to the post of Canal Patwari. No seniority list of work-charged/daily wages had been maintained and there was a violation of the regularization policy.

Thus, it is apparent that the petitioners now necessarily will have to challenge the said order on fresh grounds and will also have show to this Court that they were duly eligible for the appointments on the post to which they claim regularization and that they were duly qualified as per the necessary rules.

In such circumstances, the present writ petitions are dismissed with liberty to the petitioners to challenge the order dated 26.11.2015 on the same cause of action.

JANUARY 06, 2016
Naveen

(G.S. SANDHAWALIA)
JUDGE