

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

**C.M. No. 5988 of 2015 in/and
CWP No. 18777 of 2012
Date of Decision:- 11.02.2016**

Randhir and others

....Petitioners

Versus

State of Haryana and others

....Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

**Present: Mr. Sumit Jain, Advocate
for Mr. Pankaj Jain, Advocate
for the applicants-petitioners.**

Mr. Gourav Goel, Assistant Advocate General, Haryana.

RITU BAHRI, J. (Oral)

Present application for disposing of the writ petition with the direction to the respondents to decide the claim of the petitioners in terms of decision rendered by this Hon'ble Court in LPA No. 862 of 2012 (Annexure A-1) and CWP No. 15500 of 2009 (Annexure A-2).

In view of the facts, the main writ petition is taken up today's itself as the same has been on the Regular Board of this Court.

In the present case, the petitioners have been appointed as Conductors in the Department of Transport. They were aggrieved against a

common order dated 13.07.2009 whereby the date of their regularization has been ordered to be altered.

The petitioners were appointed from 1979 to 1982 through proper channel after their names were sponsored/recommended by the Employment Exchange for appointment as Conductors to respondent No.1. As per instructions dated 19.02.1979 (Annexure P-1), the services of all the petitioners were regularization from the day they completed 240 days of their service with Haryana Roadways. Thereafter, the services of the petitioners were regularized as per instructions (Annexure P-1) and they have been getting their pay on the basis of their dates of regularization for the last about 20 years. However, respondent No.2 vide order dated 13.07.2009 (Annexure P-2) has directed respondent No.3 to re-fix the date of regularization of all the conductors and to re-fix the seniority list.

The issue of change in the fixation of pay came up for consideration before this Court in case **LPA No. 862 of 2012** titled **State of Haryana and another Vs. Kuldeep Singh and others, decided on 02.07.2012 (Annexure A-1)** wherein the Hon'ble Division Bench held that since the services of the respondents already stood regularized in the years 1987-88, the subsequent policy dated 01.04.1993, which was a general policy meant to regularize services of adhoc/contract/work-charge employees of different departments, could not be treated retrospectively in order to postpone the dates of regularization of services of the respondents.

Applying the ratio of the above mentioned judgment, the claim of the petitioners is covered under policy/instructions dated 19.02.1979 (Annexure P-1). Accordingly, the present writ petition is allowed. The

impugned orders are set aside and directions issued to the respondents to decide the claim of the petitioners in terms of abovesaid judgment.

February 11, 2016
naresh.k

(RITU BAHRI)
JUDGE