

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

CWP No.13021 of 2016 (O&M)

Date of decision:05.09.2016

Ram Niwas

... Petitioner

Vs.

State of Haryana & others

... Respondents

CORAM: HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA.

Present: Mr. J.P. Sharma, Advocate for the petitioner.

...

TEJINDER SINGH DHINDSA, J.

CM No.10748 of 2016:

Application is allowed as prayed for. Documents at Annexures A-1 to A-3 are taken on record.

Application is disposed of.

Main case:

Pleadings on record would indicate that the petitioner was engaged as Water Carrier (part time) w.e.f. 01.12.1988 in the office of the Additional Director General, CID (Technical Wing), Madhuban, District Karnal and was paid daily wages as fixed by the Deputy Commissioner, Karnal from time to time.

It is the contention of the counsel that the petitioner has worked continuously since the year 1988 and is even serving as of date. In support of such contention, counsel has referred to the documents placed on record at Annexures A-1 to A-3.

Claim raised in the instant petition is for regularization of service on the strength of Notification dated 29.07.2011 issued by the Haryana Government, General Administration Department at Annexure P-4,

which envisages the grant of benefit of regularization to such ad hoc/work charge/daily wagers and part time employees, who have continued to work for not less than 10 years as on 10.04.2006 and are still in service.

Counsel has contended that even though the condition under the Notification dated 29.07.2011 is for such part time employee to have been engaged against the sanctioned vacant post, yet the mere fact that the petitioner has discharged his duties continuously since the year 1988 would lead to an inference that the post was duly sanctioned.

Without making any observations on merits and without even ascertaining the correctness of the averments made in the petition, I deem it appropriate to dispose of the present petition in terms of granting liberty to the petitioner to file a comprehensive representation as regards his claim. In the eventuality of any such representation being submitted, respondent No.3/competent authority would be obligated to consider the same strictly in accordance with law and to take a final decision thereupon by passing a well reasoned speaking order within a period of four months from the date of submission of the representation.

Disposed of.

05.09.2016

harjeet

**(TEJINDER SINGH DHINDSA)
JUDGE**

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| i) | Whether speaking/reasoned? | Yes |
| ii) | Whether reportable? | No |