

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Civil Writ Petition No. 7488 of 2013 (O&M)

Date of decision : December 13, 2016

Krishan Kumar & Anr.

... Petitioners

versus

State of Haryana & Ors.

... Respondents

CORAM: HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr. S.S.Sahu, Advocate, for the petitioners.

Ms. Shruti Jain Goyal, AAG, Haryana.

RAJIV NARAIN RAINA, J

The prayer made in the instant petition is for issuance of a direction quashing the two impugned orders of even date; 20.11.2012 (P-11 and P-12) whereby the claim of the petitioners for their regularization has been declined.

It will be for the petitioner to produce his appointment letter and to produce record of any sanction thereof from quarters concerned as proof of employment and its status. In the absence of relationship of direct employment with the Government, the petitioner cannot claim retrospective regularization under the policy of the Government. The policy of regularization is meant for its own employees and not for persons who have been appointed by independent agencies like in this case the "District Stadium Committee" which appointed the petitioners as Chowkidar/Mali for the upkeep of the playground. The District Stadium Committee may be in ex officio control of the Deputy Commissioner, Sirsa but that does not establish direct employment under the Department of Sports and Youth Affairs, Government of Haryana. The experience certificates issued by the

Secretary, District Stadium Committee, Sirsa dated 04.03.2011 to Krishan Kumar and Ram Kumar mentioning the post of Chowkidar/Maker of playground w.e.f from 01.01.1994 and in respect of Ram Kumar as working on the post of Mali/Groundman w.e.f 09.06.1995, respectively, cannot be considered as letters of appointment. Production of mere certificates on record is not a reason to interfere in this matter claiming rights of regularisation of service from the State based on its policies. The burden of proof of employment status was on the petitioners which has not been discharged by them even prima facie. Even the District Stadium Committee has not been made party to the petition to fathom the character of the relationship of employment and as to how the State of Haryana comes in the picture. If the petitioners have any rights they could only be against the Committee.

In view of above discussion, the present petition is found sans merit and is ordered to stand dismissed.

However, the dismissal of the petition will not preclude the petitioners to seek their remedy in some other forum, if advised.

December 13, 2016
tripti/monika

(RAJIV NARAIN RAINA)
JUDGE

Whether speaking/reasoned

Yes / No

Whether reportable

Yes / No