

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CWP No. 6927 of 2015 (O&M)

Date of Decision: 22.08.2016.

Hawa Singh

--Petitioner

Versus

State of Haryana and others

--Respondents

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

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

Mr. Ravi Pratap Singh, A.A.G., Haryana.

TEJINDER SINGH DHINDSA.J

Pleadings on record would indicate that the petitioner was engaged on muster rolls under the P.W.D. (B&R) Branch on the post of Beldar during the period June, 1993 to June, 1994. His services having been disengaged, he raised a labour dispute and in terms of award having been rendered by the Presiding Officer, Labour Court-cum-Industrial Tribunal, Hisar he was held entitled to reinstatement with continuity of service along with 25% back wages. Petitioner filed CWP No.10654 of 2004 seeking benefit of regularization of services and the same was disposed of on 11.10.2004 directing the respondents to consider the claim and to take a final decision on the legal notice served by the petitioner.

The concerned Executive Engineer issued order dated 8.2.2005 rejecting the claim of the petitioner. This led to the filing of CWP No.10707 of 2005 impugning the rejection order dated 8.2.2005. CWP no.10707 of 2005 was disposed of on 11.8.2005 directing the respondents to reconsider the matter yet again in the light of judgement rendered in case of

Balbir Singh Vs. State of Haryana & others, 2003 S.C.T., 358.

The instant petition has been filed assailing the order dated 28.7.2007, passed by the Superintending Engineer, Hisar Circle, PWD (B&R) at Annexure P-4 in terms of which the claim of the petitioner seeking regularization has yet again been rejected.

Perusal of the impugned order would reveal that the rejection is primarily on the basis that Govt. has issued instructions dated 25.4.2007, whereby various policies including policy dated 1.10.2003 for regularization of services of ad hoc/contract/daily wage employees had been rescinded.

In the impugned order itself it has also been observed that the petitioner otherwise had been found eligible for regularization w.e.f. 1.10.2003 under the policy dated 1.10.2003 itself and recommendations for sanction of one post of Beldar in the pay scale of Rs.2530-3200 had been forwarded to the office of Engineer-in-Chief. It was also observed that the necessary sanction was still awaited.

During the course of hearing today, it has gone uncontroverted that the State Govt. has issued notifications dated 18.6.2014 and 20.6.2014 in terms of which the various regularization policies that had been rescinded earlier in point of time, stand revived. The two notifications dated 18.6.2014 and 20.6.2014 stand appended and placed on record at Annexures P-7 and P-8 along with the petition. Perusal of such notifications at Annexures P-7 and P-8 would reveal that a decision in principle has been taken by the State Govt. that the left over Group C and D employees working on ad hoc/contract/daily wage basis and who could not be regularized under the previous policies on account of administrative reasons but were otherwise eligible, would be regularized with effect from the dates

they were eligible for regularization.

In the light of the notifications dated 18.6.2014 and 20.6.2014 (Annexures P-7 & P-8) it would be clear that the basis of passing of the impugned rejection order dated 28.7.2007 at Annexure P-4 does not survive.

Even learned State counsel very fairly states that under the light of the notifications at Annexures P-7 and P-8 the matter as regards claim of the petitioner seeking regularization would require reconsideration.

Accordingly, the present petition is disposed of in terms of setting aside the order dated 28.7.2007 (Annexure P-4). The matter is remanded back to the competent authority/respondent no.2 to consider the claim of the petitioner afresh for grant of benefit of regularization in the light of notifications dated 18.6.2014 and 20.6.2014 (Annexures P-7 & P-8).

It is further clarified that since in the impugned order dated 28.7.2007 it had been observed that a recommendation had been made for sanctioning one post of Beldar w.e.f. 1.10.2003 and the matter was still pending final decision, respondent authorities are directed to even pursue the matter.

Let a final order be passed within a period of four months from the date of receipt of a certified copy of this order.

Petition disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

22.08.2016
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Whether speaking/reasoned: Yes

Whether Reportable: No