

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.143 of 1998

Date of Decision:-05.05.2017.

Surinder Kumar

.....Petitioner

Versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE P.B. BAJANTHRI

Present: Mr. R.S. Tacoria, Advocate for the petitioner.

Mr. Sushil Gautam, DAG, Haryana.

Ms. Sunita Nambiar, Advocate for respondent No.3.

P.B. BAJANTHRI, J. (Oral)

The petitioner has sought for a direction to alter the date of regularization from 3.5.1993 to 1.5.1991 having regard to the policy of regularization that *ad hoc* or daily wage employees who have completed 10 years of service are entitled for regularization.

The petitioner is stated to have been appointed as a Octroi Clerk on 1.5.1981. The same has not been disputed by the official respondents in their written statement. Consequently, a presumption is drawn that the petitioner was appointed on 1.5.1981.

Learned counsel for the State on instructions from Rakesh Sandhu, Block Development and Panchayat Officer submitted that no records are available in respect of service particulars of the petitioner and

other staff in the then Municipal Committee, Sadhaura. Perusal of Annexure R-3 and R-4 which are relating to abolition of 29 Municipalities to the Panchayat are date back to 7.7.2000 and 23.5.2000. They are not relevant for the purpose of deciding the petitioner's entitlement for regularization w.e.f. 1.5.1991 for the reasons that as on the date of abolition and adjustment of staff in the year 2000, the petitioner's services were already regularized on 3.5.1993. Since the official respondents have not placed on record and also not denied the fact that the petitioner was initially appointed on 1.5.1981. That apart having regard to the policy of regularization which is undisputed that daily wager who has worked for 10 years is entitled for regularization. Therefore, the official respondents or competent authority is hereby directed to regularize the petitioner's service w.e.f. 1.5.1991 instead of 3.5.1993 within a period of 4 months from today with all consequential benefits which are admissible.

Petition stands disposed of.

(P.B. BAJANTHRI)
JUDGE

May 05, 2017.
sandeep sethi

Whether speaking/reasoned:-

Yes / No

Whether Reportable:-

Yes / No.