

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

1. CWP No.20463 of 2009

Luxmi Devi ... Petitioner

Vs.

The State of Haryana and others ... Respondents

2. CWP No.20475 of 2009

Dharam Singh ... Petitioner

Vs.

The State of Haryana and others ... Respondents

3. CWP No.22651 of 2011

Satpal ... Petitioner

Vs.

Financial Commissioner-cum-Secretary Government of Haryana and others
... Respondents

Date of Decision:18.04.2017

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

Present : Ms. Anita Balyan, Advocate for the petitioner (s).

Mr. Hitesh Pandit, Addl. A.G. Haryana.

P.B. BAJANTHRI J. (Oral)

By this common judgment, I intend to dispose of all the
aforementioned writ petitions as similar facts are involved in these cases.

For the sake of convenience, facts are being taken from CWP
No.20463 of 2009.

The petitioners are stated to have been appointed as Daily
Wager on ad hoc basis. Pursuant to the policy decision relating to
regularization, petitioner's services have been regularized. Thereafter in
view of the judgment of the Supreme Court passed in the case of **State of
Karnataka and others v. Uma Devi**; SCC 2006 (4) Page 1, regularization
order of the petitioner has been withdrawn which is under challenge in the
present petition. Further the petitioners have sought for direction to re-

consider her claim for regularization w.e.f. 1.10.2003 on par with the similarly situated employees who are stated to be juniors to the petitioner.

Learned counsel for the petitioner submitted that even after Uma Devi's case (supra), the official respondents have regularized the services of number of daily wagers. To this extent, Annexure P-13 has been placed on record which is evident. Therefore, there is a discrimination in regularization of daily wagers. Thus, the impugned actions are liable to be set aside and the petitioner is entitled for regularization on par with the juniors whose services have been regularized under the policy.

Per contra, learned counsel for the respondents submitted that in view of policy dated 18.4.2016 relating to regularization read with Uma Devi's case (supra), the petitioner has not made out a case so as to seek regularization.

Heard learned counsel for the parties.

Perusal of records, it is evident that even after the decision in Uma Devi's case (supra), the official respondents have proceeded to regularized daily wagers which is evident from Annexure P-13. Therefore, the official respondents cannot take a contention insofar as petitioner is concerned that Uma Devi's case (supra) would be hurdle for petitioner's regularization. Since the petitioner's services have already been regularized and there is a protection under the Uma Devi's case (supra), the same shall be taken note of by the official respondents. Moreover the juniors to the petitioners are stated to have been regularized. Therefore, not regularizing the petitioner would amount to discrimination. Hence, impugned orders dated 15.6.2007 and 31.3.2009 (Annexures P-6 and P-8) are hereby set aside. Matter is remanded to the competent authority to take fresh decision

by passing a speaking order in view of later development vide Annexure P-13 wherein larger number of daily wagers' services have been regularized so also services of juniors to the petitioner have been regularized. The same shall be passed within a period of three months from today.

Petition stands allowed accordingly.

18.04.2017
rajeev

(P.B. Bajanthri)
Judge

Whether speaking/reasoned **Yes/No**

Whether reportable **Yes/No**