

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

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**CWP-11545-2014 (O&M)
Date of decision:17.04.2017**

Daya Nand and others

....Petitioners

Versus

State of Haryana and others

.... Respondents

CORAM: Hon'ble Mr. Justice P.B. Bajanthri

Present: Mr.Rakesh Nehra, Advocate for the petitioners.

Mr. Sushil Gautam, DAG, Haryana.

P.B. Bajanthri, J. (Oral)

In the instant writ petition, the petitioners have sought for quashing office order dated 14.03.2013 passed by respondent No.2 vide Annexure P6 whereby the petitioners' claim for regularization has been turned down. Further they have sought for a direction to regularize their services.

The petitioners are stated to have been appointed as Daily Wager, Beldar and Mali in the year 1984, 1991 and 1993 respectively. While they were in service, their services were terminated on 18.10.1994, 22.01.1995 and 01.02.1993. Consequently, it was subject matter before the

Industrial Tribunal. The Tribunal had passed an award in favour of petitioner Nos.1 and 2 Daya Nand and Sube Singh to the extent of granting 40% back wages with continuity of service. Further the Tribunal had passed an award in favour of petitioner No.3-Sanjay to the extent of granting 50% back wages with continuity of service. Thereafter, the petitioners stated to have filed writ petition before this court. Their writ petition was allowed on 31.08.2013 with the direction for reinstatement and continuity of service etc. Consequently, the petitioners' claim is for regularisation. 2nd respondent has rejected petitioners' claim for regularisation on 14.03.2013 (Annexure P6). Thus, the present petition.

Learned counsel for the petitioners vehemently, submitted that order of termination has been set aside. Consequently, they have been reinstated with continuity of service. Hence they are entitled for regularization on par with the persons who are appointed similar to that of petitioners in the year 1984 to 1993. It was further contended that in identical circumstances, this court in the cases titled as ***Labh Singh versus State of Haryana and others*** (CWP No.1114 of 2013 decided on 31.08.2013) and ***Sukhpal Singh versus State of Haryana and others*** (CWP No. 1381 of 2011 decided on 07.01.2013). Even their services were related to termination while they were working on ad hoc basis by virtue of judicial order they were taken back to duty with continuity of service. Since, their cases were not considered for regularization. Thus, they have also approached this court. This court set aside the rejection of their claim of regularisation and official respondents were directed to reconsider claim

of those petitioners for regularization afresh. Thus, in terms of judgment passed in Labh Singh's case (supra) and Sukhpal Singh's case (Supra) the petitioners' case is required to be considered while setting aside the order dated 14.03.2013.

Per contra, learned State counsel resisted the petitioner's claim that detailed order has been passed by 2nd respondent on 14.03.2013 with reference to various decisions of this court as well as Supreme Court. Thus, the petitioners have not made out a case.

Heard learned counsel for the parties.

Perusal of judgments titled as ***Labh Singh's case (Supra)*** and ***Sukhpal Singh's case (Supra)*** this court was pleased to consider decision of the Supreme Court as well as various decisions while directing the official respondents to reconsider the petitioners' claim for regularisation. Some of the decisions which are quoted in the main order dated 14.03.2013 have been discussed by this court in Labh Singh's case (supra) and Sukhpal Singh's case (Supra). Therefore, Annexure P6 dated 14.03.2013 is hereby set aside and the matter is remanded to 2nd respondent to reconsider the petitioners' claim with reference to Annexures P7 and P8 and pass appropriate order within a period of 3 months from today.

The 2nd respondent is also directed to verify whether the persons who are appointed in the years 1984 to 1993 and whose services have not been terminated, such of those persons' services have been regularised. In that event, the petitioners are also entitled for benefit of regularization on par with such of those persons for the reasons that the petitioners'

termination has been set aside and the petitioners were directed to be reinstated with continuity of service which is a judicial order.

Accordingly, CWP stands allowed.

17.04.2017
pooja saini

(P.B.BAJANTHRI)
JUDGE

Whether speaking/reasons	Yes/No
Whether Reportable:	Yes/No