

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

CWP No. 17404 of 2012 (O&M)
Date of decision : May 15, 2017

Het Ram Sharma and others,

..... Petitioners

v.

State of Haryana and others,

..... Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. D.S Rawat, Advocate
for the petitioners.

Ms. Shruti Jain Goyal, AAG Haryana

Ajay Tewari, J (Oral)

By way of this writ petition, the petitioners have claimed that they have been working as part time Sweepers/Water Carriers in various Ayuvedic Dispensaries in District Palwal for the last upto 30 years, and cases for regularization of their services have not been taken up even though a policy of regularization of persons like the petitioners was framed (Annexure P-5).

In the reply and in the arguments before me, it has been stated that one essential pre-condition for regularization of the services of part time employees as per policy Annexure P-5 was that their services had to be regularized against the sanctioned full time regular posts and the posts against which the petitioners are working were not sanctioned full time regular posts and consequently services of the petitioners could not be

regularized.

Counsel for the petitioners has relied upon the decision of this Court in Chand vs State of Haryana and others, CWP No.5021 of 2015, decided on 11.3.2016. In that case also, similarly situated part time Sweepers and Water Carriers of the Ayurvedic Department (like the present petitioners) were claiming regularization on the same basis as is being claimed by the present petitioners, and same objection was raised by the State viz the posts on which those petitioners were working were not sanctioned full time regular posts. This Court had noticed that in response to an RTI application which had been filed by those petitioners, it had been disclosed that 45 Group B sanctioned full time regular posts were lying vacant and consequently, by judgment and order dated 11.3.2016, the respondents were directed to consider the claim of those petitioners for regularization of their services against those sanctioned full time regular vacant posts.

Learned AAG Haryana, however, points out and rightly so that in the policy of 2011 (Annexure P-5), there was a condition that services of part time employees could be regularized only against sanctioned vacant full time regular posts of the same category but in the decision in Chand's case (supra), this Court had taken the aid of the policy of 18.6.2014 to come to the conclusion that it would not be necessary that those petitioners be considered against the posts of the same category, and that now operation of the policy of 18.6.2014 has been stayed by this Court.

Counsel for the petitioners has raised a counter argument. He has accepted the fact that operation of the policy of 18.6.2014 has been stayed by this Court but claims that in view of the decision of this Court in

Chand's case (supra) (as qualified by learned AAG Haryana also), the claim of the petitioners can be considered under 2011 policy against the sanctioned full time regular posts of their category which may be vacant as on date.

I find favour with this argument and consequently dispose of this writ petition with a direction to the respondents to consider the claim of the petitioners for regularization of their services as per 2011 policy against the sanctioned full time regular posts of the same category as the petitioners which may be lying vacant in District Palwal as on date, as per their respective seniority. Let this exercise be conducted within three months from the date of receipt of a certified copy of this order, and in case the petitioners are found entitled to any relief, the same be also granted to them within the aforesaid period.

Since the main case has been decided, the pending C.Ms, if any, also stand disposed of.

May 15, 2017
'kk'

(AJAY TEWARI)
JUDGE

Whether speaking/reasoned:
Whether Reportable:

Yes/No
Yes/No