

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.17965 of 2013.
Date of Decision:-02.06.2017.

Sultan Singh and others

.....Petitioners

Versus

State of Haryana and others

.....Respondents

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

Present: Mr. Parveen Bhardwaj, Advocate for the petitioners.

Mr. Sushil Gautam, DAG, Haryana.

P.B. BAJANTHRI, J. (Oral)

1.) Petitioners have questioned the validity of order dated 18.3.2013 (Annexure P/8) by which their services have been regularized w.e.f. 7.1.1998. Petitioners are stated to have been appointed on different dates which reads as under:-

<i>Sr. No.</i>	<i>Name of the petitioner</i>	<i>Period during which worked</i>	
1	Sultan Singh	06.07.1994 to 30.06.1995	17.08.1995 to continue
2	Jaspal Singh	-do-	-do-
3	Ved Parkash	-do-	-do-
4	Krishan Chander	07.07.1994 to 30.06.1995	07.10.1995 to continue
5	Kulwant Singh	03.01.1995 to 30.06.1995	18.10.1995 to continue
6	Surinder Singh	10.03.1995 to 30.06.1998	18.10.1995 to continue
7	Sikhwant Singh	10.03.1995 to 30.06.1998	18.10.1995 to continue

Having regard to the service particulars of the petitioners read
with the policy relating to regularization of contract Drivers and Conductors

dated 23.3.1998, petitioners are entitled for regularization as and when they completed 2 years of service with reference to para 1 of the policy dated 23.3.1998 which reads as under:-

“ 1 – All those drivers and conductors working on contractual basis and having been in service and completing two years service on contractual basis during the period from 16.6.1994 to 7.1.1998 be regularized in service against the available vacant posts in the norm 1.4 person per vehicle in their respective posts and respective Depots. Thereafter their character and antecedents be got verified from the Police authorities.”

Even though the petitioners' services have been regularized on 18.3.2013 w.e.f. 7.1.1998, the petitioners are entitled to regularization as and when they completed 2 years of service from the date of their initial appointment.

2.) Learned counsel for the petitioners submitted that in respect of fixing the date of regularization as and when petitioners completed 2 years of service with reference to policy dated 23.3.1998, abruptly petitioners' services have been regularized w.e.f. 7.1.1998. Thus, it is contrary to the policy dated 23.3.1998. Hence, Annexure P/8 is liable to be set aside and the petitioners are entitled to regularization as and when they have completed 2 years of service from the date of initial appointment.

3.) Per contra, learned counsel for the respondents initially tried to argue the matter that the petitioners were facing disciplinary proceedings, therefore, their date of regularization has been postponed and further it was contended that their services have been regularized with reference to policy

7.1.1998. Thus, there is no error in the order regularization.

4.) Heard learned counsel for the parties.

5.) Crux of the matter is whether the petitioners are entitled to regularization as and when they completed 2 years of service from the date of initial appointment on contract basis or not. Undisputedly, policy relating to regularization of services of the Drivers and Conductors working on contractual basis dated 23.3.1998 is very specific that a Conductor or Driver who has discharged the duties of the post during the intervening period from 16.6.1994 to 7.1.1998, in that event, is entitled for regularization after completion of 2 years. In the present case, all the petitioners are entitled for regularization prior to 7.1.1998. Accordingly, concerned respondent is directed to pass a speaking order relating to date of regularization as and when petitioners completed 2 years of service from the date of entry into service as Conductor/Driver on contract basis. Thus, Annexure P/8 dated 18.03.2013 is hereby set aside. Concerned respondent is directed to pass a fresh order relating to regularization.

6.) In view of the above observations, petition stands allowed with cost of ₹ 10,000/-. The same shall be paid by the General Manager, Haryana Roadways, Kurukshetra Depot, Kurukshetra – respondent No.3 from his own pocket to the petitioners.

(P.B. BAJANTHRI)
JUDGE

June 02, 2017.
sandeep sethi

Whether speaking/reasoned:-

Yes / No

Whether Reportable:-

Yes / No.