

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

1. CWP No.19404 of 2013

Kripa Nand and others

... Petitioners

Vs.

State of Haryana and others

... Respondents

2. CWP No.25716 of 2013

Shyam Lal and others

... Petitioners

Vs.

State of Haryana and others

... Respondents

Date of Decision:01.05.2017

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

Present : Mr. Ramesh Goyat, Advocate for the petitioners.

Mr. Keshav Gupta, A.A.G. Haryana.

P.B. BAJANTHRI J. (Oral)

By this common order, both the aforementioned writ petitions are decided together as issue is identical. For the sake of convenience, facts are taken from CWP No.19404 of 2013. The petitioners have sought for following relief:

“(a) direct the respondents to regularize the services of the petitioners on completion of their 240 days of continuous services with all consequential benefits at par with other similarly situated as well as junior employees who have been granted the same benefit by the respondent-department vide various orders (Annexure P-1 (Colly) and in view of judgements passed by this Hon'ble High Court allowing the claim of similarly situated employees (Annexure P-3 to P-6).”

The petitioners are stated to have been appointed on ad-hoc basis and their services have been regularized on 24.1.1994 with retrospective effect from the year 1988 and 1993. The present petition has been filed on the score that the juniors to the petitioners who are similarly

situated whose services have been regularized. Consequently, the same was modified with reference to completion of 240 days of continuous service. The petitioner had cause of action to rectify date of regularization from 3.2.1988 and 1.4.1993 as and when they completed 240 days arose on 24.1.1994. Moreover, the petitioners have not questioned even to this day the date of regularization assigned on 24.1.1994 so as to seek alteration the date of regularization. The petitioners are fence sitters for the reasons that they have approached this Court when similarly situated persons have obtained orders to regularize their services as and when they completed 240 days. In order to alter the date of regularization, it is necessary to set aside the date of regularization already granted. In the absence of the challenge to the order dated 24.1.1994 as well as on the ground of delay and laches, the petition cannot be entertained.

Petition stands rejected.

01.05.2017
rajeev

(P.B. Bajanthri)
Judge

Whether speaking/reasoned **Yes/No**

Whether reportable **Yes/No**