

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

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**CWP-18193-2014 (O&M)
Date of decision: 08.02.2017**

Ram Phal

....Petitioner

Versus

State of Haryana and others

.... Respondents

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

Present: Mr. S.P.Laler, Advocate for the petitioner.

Mr. Harish Rathee, Sr. DAG, Haryana.

P.B. Bajanthri, J. (Oral)

The petitioner has questioned the order dated 28.03.2014 vide Annexure P4 by which petitioner's claim for regularization has been rejected and further his services have been removed.

2. The petitioner stated to have been appointed to the post of Veterinary Livestock Development Assistant on *ad hoc* basis on 15.03.1988 in the pay scale of Rs.1400-2600 plus usual allowances. From 01.07.2001 to 09.07.2003 he remained absent. Thereafter, he was taken back to duty. While he was in service petitioner had been extended the benefit of annual increments from time to time. It was also noticed from the records that the petitioner was subjected to disciplinary proceedings and he was punished by imposing punishment of stoppage of ACP and for the absence period

without pay and leave is accepted. In this background, the petitioner's claim for regularization has been rejected on the score that the petitioner's conduct is not satisfactory. Thus, respondents have passed the impugned order of rejecting the petitioner's claim for regularization and removed him from service.

3. Learned counsel for the petitioner submitted that the petitioner joined service on 15.03.1988 and out of 26 years of service 7 average grading has been given. 12 are good and 5 are very good. Insofar as year 2001-2002-2003 for 2 years no grading is given for the reasons that he remained absent. Having regard to the above facts and circumstances, the respondent-department proceeded in extending service benefits as if he is regular holder of the post as is evident from the records that the petitioner has been granted the benefits of annual increments and he was subjected to disciplinary proceedings etc. When he had requested for extending the benefit of ACP then the respondent-department realised that petitioner's services have not been regularized. Consequently, proceeded to pass the impugned order stating that the petitioner's service record are not satisfactory etc. The petitioner has rendered service from 15.03.1988 till passing of the impugned order. Criteria for the purpose of regularization is 10 years of service and criteria up to 29.07.2011 it was only for 2 years. Later on it was enhanced from 2 years to 10 years. Irrespective of the minimum service period for regularization, in the present case the petitioner has rendered more than 2 decades. Hence, the impugned order is liable to be set aside. The concerned respondent/competent authority is directed to take

back the petitioner to duty forth with and consider his name for regularization on par with similarly situated persons and extend all admissible service benefits. Such exercise shall be done by the concerned respondent within a period of 3 months from today.

08.02.2017
pooja saini

(P.B.BAJANTHRI)
JUDGE

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