

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP-17693-2015(O&M)

Date of decision: 07.04.2017

Siya Ram

.... Petitioner

versus

Haryana Forest Development Corporation

.... Respondents

CORAM: HON'BLE MR. JUSTICE AJAY TEWARI

Present: Mr. R.K. Malik, Sr. Advocate with
Mr. Kuldeep Sheoran, Advocate for the petitioner.

Mr. D.S. Nalwa, DAG, Haryana.

AJAY TEWARI, J.

This petition has been filed for the issuance of a writ in the nature of certiorari to quash the order dated 14.08.2014 (P-9) by which the claim of the petitioner for regularization was rejected and further a writ in the nature of mandamus, to consider the claim of the petitioner for regularization in light of the policy decision dated 1.10.2003 (P-1) and services of the petitioner be regularized w.e.f. 1.10.2003 and petitioner be granted all consequential benefits.

The brief facts of the petition are that the petitioner was appointed as watchman in the year 1996 and has worked continued since then. His case for regularization having been rejected, he is before this Court. The primary contention of learned senior counsel that he is not claiming benefit of regularization on the basis of policy/IES of 2014 but he is resting his claim on the fact that the services of one Rajbir Singh who was appointed in the year 1997 were regularized. He has relied upon the judgment in the case of *CWP No. 9041 of 2014 decided on 13.01.2017*

Board and others. In that case also what had determined the issue was the fact that the services of the persons who were appointed/engaged after those petitioners were regularized.

Learned counsel for the respondents has sought to draw a distinction between the case of the petitioner and that of Rajbir Singh by arguing that the petitioner was appointed as a timber watchman (that is to say appointed as watchman to look after cut timber of the department that may have been stored at different places at different times) while Rajbir Singh was appointed against a sanctioned post of watchman, though he has fairly admitted that Rajbir Singh, like the petitioner, was appointed on daily wage basis.

In my opinion, once it is accepted that both the persons were appointed on daily wage basis, it cannot be said that Rajbir Singh had any claim merely because he was appointed against the post which was sanctioned and in such a case, the salutary principle of 'Last Come First Go' has to be followed and it has to be held that before considering the case of Rajbir Singh for regularization of services, the case of the petitioner had to be considered.

Consequently, this petition is allowed in same terms as in ***Ganesh Prasad's case (supra).***

(AJAY TEWARI)
JUDGE

April 07, 2017

Divyanshi

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No