

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

CM No.309-CWP-2017 in/and  
Civil Writ Petition No.21412 of 2015(O&M)  
Date of Decision: 12.01.2017

Gurbir Singh

...Petitioner

Versus

State of Punjab and others

...Respondents

**CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR**

Present:- Mr. Vipin Mahajan, Advocate  
for the petitioner.

Mr. Pankaj Malwani, DAG Punjab  
for the applicant/respondent(s)-State.

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**JAISHREE THAKUR, J. (Oral)**

**CM No.309-CWP-2017**

Reply filed on behalf of respondents-State along with Annexure  
R1 is taken on record.

CM stands disposed of.

**CWP-21412-2015**

The instant petition has been filed under Article 226/227 of the  
Constitution of India, praying for the issuance of proper writ, order or  
direction to regularize the services of the petitioner as a Driver, pursuant to  
the policy instructions dated 15.12.2006 and 23.01.2001 along with

consequential benefits, as the persons junior to the petitioner have since been regularized in the year 2011.

It is alleged that the petitioner herein was engaged as a Driver on daily-wage basis in the department and continued to work since 1995 without any break. Several drivers working in the department approached this court by filing civil writ petitions, claiming regularization of their services by the respondents-State from time to time. One of the writ petition came to be allowed with a direction to consider the cases of the drivers for regularization within a period of six months. This order came to be challenged before the Apex Court unsuccessfully. The petitioner herein along with other approached this court by way of Civil Writ Petition No.22752 of 2010 with the prayer that their cases be considered for regularization as Driver, pursuant to the policy instructions that were issued. The said writ petition was disposed of on 20<sup>th</sup> September, 2011, with a direction to the department to consider the cases of the petitioners for regularization in terms of the judgment rendered by this court in ***CWP No.13193 of 2001, titled as 'Joginder Singh and others vs. State of Punjab and others'***. The case of the petitioner was put up for consideration, however, no orders were passed on account of the fact that record of the petitioner was not made available.

Being aggrieved, the instant petition came to be filed, wherein, a reply has now been filed that the record of the petitioner has since been traced. The Screening Review Committee, vide its order dated 13.10.2016, has now recommended that name of the petitioner be placed at Sr. No.30-A.

Learned counsel for the respondents-State submits that since

the name of the petitioner has been considered for regularization and has been reflected at Sr. No.30-A, the instant petition should be disposed of as having been rendered infructuous.

I have learned counsel for the parties and find that petitioner herein had approached for regularization by filing Civil Writ Petition No.22752 of 2010, in which, a specific direction had been given to consider the case of the petitioner in the light of the decision rendered in the case of ***'Joginder Singh and others vs. State of Punjab and others' (supra)*** within a period of six months. The petitioner herein is also claiming that since he has been in regular service and persons junior to him have been regularized in the year 2011, he is entitled to claim seniority from the date when his juniors were regularized, with all consequential benefits. There is no doubt that the petitioner would have been entitled to regularization in case his record has been found in time. No fault can be attributed to the petitioner on account of the pendency by the department itself to consider his name for regularization. As a natural consequence, the petitioner is directed to be considered from the date when his juniors were regularized with all consequential benefits.

The writ petition stands allowed accordingly.

The needful be done within a period of four months from the date of receipt of certified copy of this order.

**January 12, 2017**

*vijay saini*

**(JAISHREE THAKUR)**  
**JUDGE**

Whether speaking/reasoned  
Whether reportable

Yes/No  
Yes/No