

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

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**CWP-25080-2013 (O&M)
Date of decision: 20.01.2017**

Gopal Chand

....Petitioner

Versus

State of Haryana and others

.... Respondents

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

Present: Mr. J.S.Maaniipur, Advocate for the petitioner.

Mr. Siddharth Sanwaria, DAG, Haryana.

P.B. Bajanthri, J. (Oral)

In the present writ petition, the petitioner has assailed communication dated 21.10.2013 between the Director General, State Transport Haryana, Chandigarh and All General Managers, Haryana Roadways relating to regularisation of services of 210 workshop employees who were appointed in the year 1993 during strike (Washing Boy, Chowkidar, Sweeper, Storeman and Helper). The petitioner is aggrieved by the said communication by which the regularization has been restricted to those appointees who are appointed during the year 1993 in particularly during the strike period.

2. The petitioner was appointed as a Helper on daily wage basis on 01.02.1997. His services were terminated on 15.10.1997. He raised an

industrial dispute. The same was settled among petitioner and his employer. Consequently, petitioner was reinstated on 15.11.1998. Further his services were regularized on 10.03.2004 and subsequently, the same was withdrawn on 20.03.2004. Thereafter, State government introduced a policy relating to regularization of all workshop staff like Washing Boy, Chowkidar, Sweeper, Storeman, Helper etc. in the Transport department i.e. persons who worked during strike in the year 1993 by giving relaxation in regularization policy dated 29.07.2011 as a special case. The petitioner's name is reflected in Annexure P6 dated 17.09.2013. Now the respondents are resorting to restrict the regularisation to such of those employees who were appointed during the strike. If the same is implemented the petitioner's right to regularisation would be affected. Thus, the present petition has been presented.

3. The petitioner has rendered services from 01.02.1997 with a short break during his termination. Thereafter, his services were regularized on 10.03.2004 and the same was withdrawn without assigning any reason. Further as and when policy of regularisation was introduced on 17.09.2013 his services have been regularized.

4. Having regard to these facts and circumstances, read with the fact that the petitioner has been promoted to the next higher post on 28.10.2016 without there being any condition which deemed to be that the petitioner's date of regularisation dated 22.10.2013 w.e.f. 17.09.2013 has been regularized. Therefore, the petitioner's right in respect of regularisation w.e.f. 17.09.2013 is not where affected.

5. In view of the later development that the petitioner has been promoted to the higher post on 28.10.2016, the respondents are restrained to implement Annexure P8 insofar as petitioner is concerned. With the above observation, petition stands disposed of.

20.01.2017

pooja saini

**(P.B.BAJANTHRI)
JUDGE**

Whether speaking/reasons

Yes/No

Whether Reportable:

Yes/No