

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

216-4

**CWP-23094-2014 (O&M)
Date of decision:17.04.2017**

Jagbir

....Petitioner

Versus

State of Haryana and others

.... Respondents

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

Present: Mr.Rakesh Nehra, Advocate for the petitioner.

Mr. Sushil Gautam, DAG, Haryana.

P.B. Bajanthri, J. (Oral)

In the instant writ petition, the petitioner has sought for quashing office order No. 68 dated 26.08.2014 passed by respondent No.5 vide Annexure P4 whereby the petitioner's claim for regularization has been turned down. Further he has sought for a direction to regularize his services.

2. The petitioner is stated to have been appointed as Beldar-cum-Mali in the year 1991. While he was in service, his services were terminated on 01.01.2007. Consequently, it was subject matter before the Industrial Tribunal. The Tribunal had passed an award to the extent of granting only compensation of Rs.1,60,000/- Thereafter, the petitioner stated to have filed writ petition before this court. His writ petition was partly allowed on 23.05.2013 with the direction for reinstatement. Consequently, the

petitioner's claim is for regularisation. 5th respondent has rejected petitioner's claim for regularisation on 26.08.2014 (Annexure P4). Thus, the present writ petition.

3. Learned counsel for the petitioner vehemently submitted that order of termination has been set aside. Consequently, he has been reinstated with continuity of service. Hence he is entitled for regularization on par with the persons who are appointed similar to that of petitioner as Beldar in the year 1991-1992. Learned counsel for the petitioner relied on the judgments titled as ***Labh Singh versus State of Haryana and others*** (CWP No.11114 of 2013 decided on 31.08.2013) and ***Sukhpal Singh versus State of Haryana and others*** (CWP No. 1381 of 2011 decided on 07.01.2013). Even their services were terminated while they were working on *ad hoc* basis by virtue of judicial order they were taken back to duty with continuity of service. Consequently, their cases were not considered for regularization. Thus, they have also approached this court. This court set aside the rejection of their claim of regularisation and official respondents were directed to reconsider claim of those petitioners for regularization afresh. Thus, in terms of judgment passed in ***Labh Singh's case (supra)*** and ***Sukhpal Singh's case (Supra)*** the petitioner's case is required to be considered while setting aside the order dated 26.08.2014.

4. Per contra, learned counsel for the respondents resisted the petitioner's claim that detailed order has been passed by 5th respondent on 26.08.2014 with reference to various decisions of this court as well as Supreme Court. Thus, the petitioner has not made out a case.

5. Heard learned counsel for the parties.
6. Perusal of judgments titled as ***Labh Singh's case (Supra)*** and ***Sukhpal Singh's case (Supra)*** this court was pleased to consider decision of the Supreme Court as well as various decisions while directing the official respondents to reconsider the petitioner's claim for regularisation. Some of the decisions which are quoted in the impugned order dated 26.08.2014 have been discussed by this court in ***Labh Singh's case (supra)*** and ***Sukhpal Singh's case (Supra)***. Therefore, Annexure P4 dated 26.08.2014 is hereby set aside and the matter is remanded to 5th respondent to reconsider the petitioner's claim with reference to ***Labh Singh's case (supra)*** and ***Sukhpal Singh's case (Supra)***. Further 5th respondent is directed to pass appropriate order within a period of 3 months from today.
7. The 5th respondent is also directed to verify whether the persons who are appointed in the year 1991 and whose services have not been terminated, such of those persons' services have been regularised. In that event, the petitioner is also entitled for benefit of regularization on par with such of those persons for the reasons that the petitioner's termination has been set aside and the petitioner was directed to be reinstated with continuity of service which is a judicial order.
8. Accordingly, CWP stands allowed.

17.04.2017

pooja saini

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

Whether speaking/reasons

Yes/No

Whether Reportable:

Yes/No