

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

CWP No.8400 of 2014

Date of Decision:24.03.2017

Satbir Singh and others

... Petitioners

Vs.

State of Haryana and others

... Respondents

CORAM : HON'BLE MR. JUSTICE P.B. BAJANTHRI

Present : Mr. Naveen Daryal, Advocate for the petitioners.

Mr. Hitesh Pandit, Addl. A.G. Haryana.

P.B. BAJANTHRI J. (Oral)

The petitioners have questioned the validity of orders dated 26.2.2014 and 4.3.2014 (Annexures P-10 and P-11 respectively) and further sought for direction to the respondents to regularize their services as and when they have completed two years of service from the date of their initial appointment on ad-hoc basis with all consequential benefits.

The petitioners are stated to have been regularized on 18.3.1996 w.e.f. 1.2.1996. The petitioners have not questioned the validity of order dated 18.3.1996 to the extent of regularizing their services w.e.f. 1.2.1996 on an earlier litigation so as to alter date of regularization instead of 1.2.1996 to that of 17.11.1990 the date on which the petitioners have completed two years of service from the date of entry into service on ad-hoc basis. Even to this day, the date of regularization namely 1.2.1996 has not been challenged. Further it is to be noted such an alteration of date of regularization is nothing but re-opening the regularization.

Supreme Court in the case of **State of Karnataka and others**

v. **Uma Devi and others**; (2006) 4 SCC 1 in para 53 held as under:

“53. One aspect needs to be clarified. There may be cases

where irregular appointments (not illegal appointments) as explained in S.V. NARAYANAPPA (supra), R.N. NANJUNDAPPA (supra), and B.N. NAGARAJAN (supra), and referred to in paragraph 15 above, of duly qualified persons in duly sanctioned vacant posts might have been made and the employees have continued to work for ten years or more but without the intervention of orders of courts or of tribunals. The question of regularization of the services of such employees may have to be considered on merits in the light of the principles settled by this Court in the cases above referred to and in the light of this judgment. In that context, the Union of India, the State Governments and their instrumentalities should take steps to regularize as a one time measure, the services of such irregularly appointed, who have worked for ten years or more in duly sanctioned posts but not under cover of orders of courts or of tribunals and should further ensure that regular recruitments are undertaken to fill those vacant sanctioned posts that require to be filled up, in cases where temporary employees or daily wagers are being now employed. The process must be set in motion within six months from this date. We also clarify that regularization, if any already made, but not subjudice, need not be reopened based on this judgment, but there should be no further by-passing of the constitutional requirement and regularizing or making permanent, those not duly appointed as per the constitutional scheme.”

It is held that those employee's services have already been regularized need not be re-opened. The said decision is squarely applicable to the present case. Even assuming that the respondents have committed wrong in extending the benefit or modifying the date of regularization in respect of others, the petitioner is not entitled for the same having regard to the decision rendered in Umadevi's case (supra). Moreover, till date regularization date has not been challenged. Unless and until it is

challenged one cannot examine whether petitioner is entitled to another date of regularization. Thus, the petitioner has not made out a case so as to interfere with the orders dated 26.2.2014 and 4.3.2014 (Annexures P-10 and P-11 respectively).

Accordingly, petition stands dismissed.

24.03.2017
rajeev

(P.B. Bajanthri)
Judge

Whether speaking/reasoned **Yes/No**

Whether reportable **Yes/No**