

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

CWP No.7676 of 2015

Date of Decision:30.05.2017

Pyare Lal and another

... Petitioners

Vs.

The State of Haryana and another

... Respondents

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

Present : Mr. J.S. Maanipur, Advocate for the petitioners.

Mr. Sushil Gautam, D.A.G. Haryana.

P.B. BAJANTHRI J. (Oral)

Petitioners have questioned the validity of the order dated 19.06.2013 (Annexure P-11) and further sought for modification of the order dated 25.01.2006 (Annexure P-7).

Petitioners are stated to have been appointed on daily wage basis. Their services were regularized on 25.1.2006 w.e.f. 1.10.2003. Grievance of the petitioners is that they are entitled for regularization w.e.f. 31.1.1996. In this regard, they have submitted representation and various communications to the official respondents. Ultimately on 19.6.2013, the respondents have rejected the petitioners' claim. Thus, the present petition.

Learned counsel for the petitioners submitted that in the year 2007 whatever the appointment relating to regularization was existing that is sought to be withdrawn and thereafter it was once again re-introduced in year 2014 (18.6.2014). In view of this development, petitioners are entitled for regularization w.e.f. 31.1.1996 and not from 1.10.2003.

Perusal of the dates and events, it is evident that petitioners had cause of action in the year 2006 with reference to the date of regularization dated 25.1.2006. Petitioners have slept over the matter from 2006 to 2009

and approached this Court only in the year 2012. It is crystal clear that there is delay in each and every stage in seeking modification of the regularization order dated 25.1.2006. In the meanwhile, the persons who are already in the relevant post between 31.1.1996 to 1.10.2003, their rights have been created. If the claim of the petitioners is accepted by giving effect to the regularization w.e.f. 31.1.1996, in that event, persons whose seniority and other service condition which were created between 31.1.1996 to 1.10.2003, their rights would be affected. Without hearing them, petitioners are not entitled for regularization w.e.f. 31.1.1996. Hence, petitioners have not made out a case.

Accordingly, petition stands dismissed.

30.05.2017
rajeev

(P.B. Bajanthri)
Judge

Whether speaking/reasoned **Yes/No**

Whether reportable **Yes/No**