

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

CWP No.3599 of 1998 (O&M)
Date of Decision:13.8.2018

Satya Pal

... Petitioner

Versus

State of Haryana and others

... Respondents

CORAM:- HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: None for the petitioner

Ms.Shruti Jain Goyal, DAG, Haryana

RAJIV NARAIN RAINA, J. (Oral)

1. No one has entered appearance on behalf of the petitioner today.

On the previous date also, no one appeared for him. This is an old case of the year 1998. I have heard learned counsel for the State and have gone through the paper-book.

2. The petitioner was engaged as Helper from 13.12.1993 to 7.1.1994 in the Haryana Roadways, Hisar Depot on daily wage basis during the strike period called by the agitating staff of Haryana Roadways in the year 1993. On return to work by regular employees, a tentative-cum-waiting list of the persons who helped during the strike period was prepared as per policy of the Government which was circulated to all the depots of Haryana Roadways. Appointments to all such make shift employees were to be given as and when vacancies arose. In 1996, the Haryana Roadways vide Memo dated 3.6.1996 (Annex.P-1) sent a list of 19 candidates alongwith the name of depots where their names were recommended. The General Manager was directed to adjust the staff against vacant posts on the workshop side.

3. To cut the story short, the petitioner was appointed as Washing Boy on daily wage basis in 1994 when the vacancy arose in the depot. In the year 2013, Government of Haryana decided to regularise the services of Washing Boys, Chowkidars, Helpers, Store Men etc. appointed in the Transport Department during the strike period of 1993 by giving relaxation in service by regularization policy dated 29.7.2011 as a special case with the approval of Council of Ministers conveyed vide U.O. No.9/127/2013-2CAB dated 6.8.2013. The name of the petitioner was recommended for appointment on the post of Washing Boy in the Jhajjar depot and in compliance with the order dated 19.9.2013 circulated by the State Transport, Haryana vide Memo dated 20.9.2013, the service of the petitioner was regularized w.e.f. 19.9.2013.

4. In the year 1993, the petitioner worked only for 25 days during the strike period and thereafter, the petitioner was re-engaged on the post of Washing Boy on daily wage basis on 9.9.2004.

5. During the pendency of this petition, his services have been regularized on 19.9.2013 alongwith four others vide order dated 27.9.2013. This relaxation was given in deference to the decision of the Supreme Court in Secretary, State of Karnataka and others vs. Umadevi and others, (2006) 4 SCC 1 which requires 10 years of service before case of regularization is taken up. Since the petitioner worked only for 25 days in the year 1993 and thereafter he was engaged in 2004 and his services have been regularized w.e.f. 19.9.2013 as such he did not complete 10 years of service during the period from 1993 to 2004, and therefore, the relaxation was not given from the year 1993, but was given from 19.3.2013 as a special case. Furthermore, the prayer in this petition is that the Court may issue a writ in the nature of

Mandamus directing the respondents to appoint the petitioner as Helper as was the case of other similarly situated persons. There are no similarly situated persons in Jhajjar Depot from which the petitioner can claim regulrization from 1993.

6. In view of the above, the writ petition is dismissed.

13.8.2018
MFK

(RAJIV NARAIN RAINA)
JUDGE

Whether speaking/reasoned

Yes

Whether Reportable

No