IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 20369 of 2011 (O&M)
Date of Decision: 23.08.2018

Inder Singh and others

...Petitioners

Vs.

State of Haryana and others

...Respondents

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

Present: Mr. Vikram Singh, Advocate
for the petitioners.

Ms. Shruti Jain Goyal, DAG Haryana.

RAJIV NARAIN RAINA, J. ***(Oral)***

1. I have heard learned counsel for the parties at length and perused the paper-book.

2. The petitioners' services were regularized under the policy decision dated 19th February, 1979 while they were working as Conductors/Drivers in different depots of the Haryana Roadways from different dates which are mentioned in paragraph 3 of the writ petition ranging from 1982 to 1987. The initial dates of appointment of the petitioners fall between 1979 and 1986.

3. By an impugned order passed in 2011, their dates of regularization were changed. For instance, in the case of Inder Singh from 15.02.1986 to 30.09.1988 and so on and so forth. To achieve the result, the General Manager, Haryana Roadways has applied the

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instructions of 28th April, 1987 and 12th May, 2010 issued by the Director General Transport Department, Haryana. Against the orders (Annex. P-2 and P-3), the petitioners have approached this Court.

4. The issue raised in this petition is no longer *res integra*. It has been decided in several cases including in CWP No.15500 of 2009 (Bir Singh and others vs. The State of Haryana and others decided on 1st October, 2012). The issue is also covered by the decision in CWP No.18714 of 2013 (Jagdish Chand and others vs. State of Haryana and others decided on 18th May, 2016) and three other connected petitions against which the State had gone in LPA No.862 of 2012. The same has been dismissed on 2nd July, 2012. The Division Bench held that since the services of the respondents in appeal already stood regularized in the years 1987-88, the subsequent policy dated 1st April, 1993, which was a general policy meant to regularize services of ad hoc/contract/work-charge employees of different departments, could not be applied retrospectively to postpone the dates of regularization of the respondents in the appeal and as such the said policy could not adversely affect their conditions of service.

5. In view of this legal position, the writ petition is allowed in the same terms as the judgments cited above.

(RAJIV NARAIN RAINA)
JUDGE

23.08.2018
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Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No

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