

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

**CWP No. 13617 of 2016
Date of decision : 30.07.2018**

Jai Ram and ors. **...Petitioners**
versus

State of Haryana and others **...Respondents**

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Ajay Chaudhary, Advocate, for the petitioners

Mr. Kiran Pal Singh, A.A.G. Haryana

RITU BAHRI , J. (Oral)

In the present writ petition, challenge is to order dated 10.11.2014 (P-5) qua the petitioners, vide which their services were regularized w.e.f 01.07.2014 instead of 01.10.2003.

Petitioners were appointed as daily wagers-Beldars. Their services were terminated and they raised an Industrial Dispute, which was answered in their favour, vide award dated 09.06.2008 and they were granted the benefit of continuity in service with all consequential benefits. In compliance of the award, the petitioners were taken back in service. The award has also attained finality. The concerned chart showing their appointment etc reads as under:-

<i>Name</i>	<i>Date of appointment</i>	<i>Date of termination</i>	<i>Date of award by which continuity was granted</i>
Jai Ram	01/01/97	15.01.2001	09.06.2008 having Ref. No. 014/2003
Hoshiar Singh	03.04/97	06/07/98	18.02.2008 having Ref. No. 177/1999
Gajraj Singh	27.05.1999	01/10/01	10.10.2006 having Ref. No. 003/2003
Devender Singh	01/01/00	05/03/01	28.11.2007 having Ref. No. 432/2002

However, when the Government policy of regularization came,

the award of the petitioners was pending and their case for regularization of their service was not considered despite giving many legal representations. However, their case for regularization of their case was considered in view of new policy of Haryana Government i.e 18.06.2014 and their services were regularized w.e.f 01.07.2014.

The precise grievance of the petitioners before this Court that service of juniors to the petitioners have been regularized w.e.f 01.10.2003 and thus the petitioners are also entitled for regularization of their service along with all consequential benefits w.e.f 01.10.2003.

Reference has been made to office order dated 27.12.2006 (Annexure P-8) and office order dated 27.12.2006 (Annexure P-9) whereby services of juniors namely Ramesh Kumar, who was appointed as daily wager beldar on 01.08.1997 and Sh Chandan Sharma, who was appointed on 21.07.1997 have been regularized and the petitioners have been left out.

Learned State counsel has not disputed this fact.

In view of the above factual position, the petition qua petitioner Nos. 1 and 2 stands allowed and petition qua petitioner Nos. 3 and 4 stands dismissed as they joined after 1997

The petitioners are seeking regularization of their services in the light of policy dated 18.06.2014 (Annexure P-4) and government instructions dated 28.07.2014 (Annexure P-5).

Keeping in view the judgment passed by Division Bench in ***CWP No. 17206 of 2014 titled Yogesh Tyagi and another V/s. State of Haryana and others, decided on 31.05.2018*** wherein the regularization policies of 2014 have since been quashed, the present petition is also dismissed whereby the petitioners are seeking regularization of their services in the light of 2014 policy.

However, the petitioners will continue the work on the post until the Department fills up the regular post after advertisement.

(RITU BAHRI)
JUDGE

30.07.2018
G Arora

<i>Whether speaking/reasoned</i>	<i>Yes</i>
<i>Whether reportable</i>	<i>No</i>