

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

**CWP-21062-2012 (O&M)
Date of Decision: February 26, 2018**

Darshan Singh and others

...Petitioners

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ARUN PALLI

Present: Ms. Divya Sharma, Advocate, for the petitioners.

Mr. Siddharth Sanwaria, DAG, Haryana,
for respondent No. 1.

Mr. Pawan Kumar Longia, Advocate,
for respondent Nos. 2 to 5.

ARUN PALLI, J. (ORAL)

CM-6108-CWP-2017:

This is an application seeking to amend the writ petition.

Notice of this application was issued to the
non-applicant/respondents, but no reply has been filed thereto.

For the reasons set out in the application, which is duly
supported by an affidavit, the same is allowed. The amendment prayed for
is granted. And, the amended petition is taken on record.

CWP-21062-2012 & CM-5584-CWP-2015:

Written statement to the amended petition, on behalf of
respondent Nos. 1 to 5, has been filed today in the Court, which is taken on
record. Copy furnished.

The petitioners were engaged by the respondent department, as
part time Malies, and Sweepers, between May, 1993 to August, 1995,

respectively. And, for, they had rendered over 20 years of continuous service, they prayed for regularisation of their services, in terms of the Government policy, dated 29.07.2011 (Annexure P-6), adopted by the respondent-Corporation on 03.08.2011 (Annexure P-7). However, vide letter dated 09.10.2012 (Annexure P-14), claim of the petitioners was declined, for, their names were not sponsored by the employment exchange, at the time of their initial appointments.

In reference to the order, dated 22.04.2014, rendered by this Court in **CWP No. 11368 of 2012 (Gian Chand and others v. Haryana Vidyut Parsaran Nigam Ltd. and others)** [Annexure P-15 Colly], it is urged by the learned counsel for the petitioners, that notwithstanding a similar reason cited by the respondents, this Court mandated the respondents to consider claim of the petitioners therein for regularisation. For, after more than 15 years of service, the reason being assigned by the respondents had paled into insignificance. Further, for, the intra Court appeal, as also the SLP, against the said order had since been dismissed, vide order and judgment, dated 17.07.2014 and 07.01.2015 (Annexure P-15), respectively. Likewise, reliance is also placed upon a decision of this Court, dated 01.02.2018, rendered in CWP No. 9825 of 2015 (Madan Lal and others v. Haryana Vidyut Prasaran Nigam Limited and others) and other connected matters.

The factual position, as set out above, is not disputed by the learned counsel for the respondents, who rather submit that the petition be disposed of in terms of the decision of this Court in the case of Madan Lal and others (supra).

In conspectus of the above, the petition is allowed. The impugned order/letter, dated 09.10.2012 (Annexure P-14), is set aside. The respondents are directed to consider the claims of the petitioners for regularisation of their services, in terms of the policy dated 29.07.2011 (Annexure P-6), with all consequential benefits. However, the arrears of pay, the petitioners shall be entitled to, as a consequence of their regularisation, shall remain confined to a period of three years preceding the date of filing of this petition, i.e. 17.10.2012.

(ARUN PALLI)
JUDGE

February 26, 2018

P Kapoor

Whether Speaking/Reasoned: YES / NO

Whether Reportable: YES / NO