

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP No.14454 of 2016
Date of decision :12.11.2018

Gurmail and another

.....Petitioners

versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Vikas Sonak, Advocate
for the petitioners.

Mr. Kiran Pal Singh, AAG, Haryana.

RITU BAHRI, J. (Oral)

The petitioners are seeking writ of certiorari for setting aside the impugned order dated 08.01.2015 (Annexure P-10) whereby the case of the petitioners for regularization to the post of WPO-II has been rejected.

As per the order dated 22.04.2011(Annexure P-5), the respondents have regularized 10 Group D employees as Water Pump Operator and out of these 10, 6 of the these employees are only matric. The respondents in para no. 1 of the preliminary submissions have stated that petitioner no. 1- Gurmail Singh is 8th pass and later on passed trade test in the trade of Plumber and petitioner no. 2-Parvesh Kumar is matric and passed trade test in the trade of turner. As per para 2 of the preliminary submissions and the instructions (Annexure R-1), the qualification for the post of Water Pump Operator Grade II is as under:-

Sr. No.	Name of post	Scale of Pay	Job Requirement	Qualification Direct recruitment	By Promotio n
1	2	3	4	5	6
Xx	Xx	Xx	Xx	Xx	Xx

14.	Pump Gr.II	Op.	i)Rs.100-4- 140/S-160 (W/C)	Operating of Electric Diesel driven pumping set	i) Literate should matric Lists ITI Certificate in the trade of Motor/Diesel/Me chanic/wiremen ii) Literate should be a minimum experience of 5 year & Field test	
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As per the above said instructions, the prescribed qualification for the post of Water Pump Operator Grade-II at the time of regularization has to be literate and a minimum experience of 5 years.

In the case of the petitioners, they were appointed as Pump Attendant in 1988 and were regularized on group D post in 1996, they had worked as Water Pump Operator Grade II for almost 8 years as per qualification (R-1) and were having 5 years experience. It is not disputed by the respondents in the written statement that at the time of regularization of 10 employees as Water Pump Operator Grade-II on 22.04.2011(Annexure P-5), these employees were juniors to the petitioners.

Another fact to be noticed in this case that the State Government after passing regularization order dated 22.04.2011 (Annexure P-5) has withdrawn the same and the CWP-21929-2012 was filed in this Court which was allowed on 19.12.2015 (Annexure P-12) and regularization order dated 22.04.2011 (Annexure P-5) has been upheld and the LPA-993-2016 against the said judgment has also been dismissed on 28.03.2017.

There is no inordinate delay as per the judgment cited by the learned counsel for the State in the case of ***Krishan Kumar and others V/s. State of Haryana and others, CWP-9813-2012, 2015(3) RSJ 173*** whereby writ petition has been dismissed on the ground of inordinate delay of 19 years in approaching the Court, who are seeking benefit of regularization at par with his juniors. Since the petitioners had immediately approached this Court vide CWP-21631-2014 which was disposed of on 17.10.2014 with a direction to decide legal notice dated 11.04.2014 within a period of three months and vide the impugned order dated 08.01.2015 (Annexure P-10), their claim has now been rejected. This writ petition has been filed on 21.07.2016.

Writ petition is allowed since the benefit of regularization granted to the juniors have been allowed on 19.12.2015 by this Court in ***CWP-21929-2012 Sanjeev Bagga and others V/s. State of Haryana and others*** (Annexure P-12) and LPA-993-2016 has also been dismissed on 28.03.2017 and no ground is made out to deny the same benefit to the petitioners keeping in view the judgment passed by Hon'ble Supreme Court in the case of ***Malathi Das (Retd.) now P.B. Mahishy & others V/s. Suresh and others, 2014 (13) SCC 249.***

(RITU BAHRI)
JUDGE

12.11.2018
Divyanshi

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