

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No.20157 of 2013 (O&M)

Date of Decision:15.1.2018

Inderaj Singh and others

...Petitioners

Versus

State of Haryana and others

...Respondents

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

Present: Mr.Vikas Lochab, Advocate for the petitioners

Mr.Harish Rathee, Sr.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 1985 to 1997. The initial dates of appointment of the petitioners fall between 1984 and 1987.

3. By an impugned order passed in 2011, their dates of regularization were changed. For instance, in the case of Inderaj Singh from 1st March, 1985 to 1st November, 1986 and so on and so forth. To achieve the result, the General Manager, Haryana Roadways has applied the instructions of 28th April, 1987 and 12th May, 2010 issued by the Director General Transport Department. Against the orders (Annex. P-2 and P-3), the petitioners have approached this Court.

4. The issue is not *res integra*. The issue has already been decided in many cases including in CWP No.13136 of 2012 (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 treated retrospectively in order to postpone the dates of regularization of services 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, this writ petition is allowed in the same terms as the judgments cited above.

15.1.2018	(RAJIV NARAIN RAINA)
MFK	JUDGE
<i>Whether speaking/reasoned</i>	<i>Yes</i>
<i>Whether Reportable</i>	<i>No</i>