

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

CWP No. 23250 of 2014 (O&M)

Date of decision: 28.09.2018

Randhir Singh and others

...Petitioner(s)

Versus

State of Punjab and another

...Respondent(s)

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present: Mr. Ashok Bhardwaj, Advocate for the petitioner.

Ms. Harsimrat Rai, DAG, Punjab.

Jitendra Chauhan, J. (Oral)

By way of the instant writ petition, the petitioners seek quashing of the impugned order dated 25.10.2012 (Annexure P-7), passed by respondent No.2, whereby the claim of the petitioners for regularization in service has been declined.

The petitioners were appointed on contract basis as Multi Purpose Health Workers in the year 2007. Their services were regularized w.e.f 30.06.2011. It is contended that similarly situated staff nurses who were regularized w.e.f. 30.06.2011 along with the petitioners, have been given the necessary benefit upon their regularization w.e.f. 01.04.2011, however, the petitioners have been deprived of the benefit. Hence the present writ petition.

On the other hand, the learned State counsel though admits the factum of regularization, however, she states that as per instructions

dated 19.08.2011 and 03.12.2013, the petitioners are not entitled for the benefit of previous service w.e.f. 01.04.2011 as it has been clearly mentioned in the instructions that the regular appointment orders shall be treated and applicable from the date of issuance of the orders of regularization and no benefit (notional or otherwise) of previous service would be given to these employees.

Heard, learned counsel for the parties and perused the record.

It is not in dispute that initially the petitioners were appointed on contract basis as Multi Purpose Health Workers in the year 2007 and their services were regularized vide order dated 30.06.2011 (Annexure P-3). The only grievance of the petitioners is that since in view of the policy dated 18.03.2011 (Annexure P-1), the similarly situated employees whose services were regularized along with the petitioners have been given the benefit of regularization along with consequential benefits w.e.f. 01.04.2011, the petitioners have not been given the same benefit. Clause 3 (i) of the policy dated 18.03.2011 (Annexure P-1) reads as under:-

3(i) In order to regularize the services of those employees who are working against permanent posts on contract basis and their recruitment has been made according to the fulfillment of the prescribed qualification/eligibility by adopting proper procedure in a transparent manner, their services be regularized w.e.f. 01.04.2011 or on completion of three years on contract, whichever is later, but no new posts will be created for them.”

There is nothing on record to suggest that as to why the

petitioners cannot be given the same benefit as has been advanced to other similarly situated employees. Since the services of the petitioners have been regularized, therefore, they cannot be deprived of the benefit of consequential benefits of regularization as has been allowed to other similarly situated employees.

Accordingly, the present petition is allowed. The respondents are directed to regularize the services of the petitioners along with other consequential benefits w.e.f. 01.04.2011, within a period of three months from the date of receipt of a certified copy of this order.

28.09.2018

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(JITENDRA CHAUHAN)
JUDGE

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No