

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

CWP No.18611 of 2017

Date of Order: 06.08.2018

Dharambir Singh

....Petitioner

Versus

State of Haryana and Ors.

....Respondents

CORAM: HON'BLE MRS. JUSTICE RITU BAHRI

Present: Mr. Manoj Chahal, Advocate for the petitioner.

Mr. Tanuj Sharma, AAG, Haryana.

RITU BAHRI, J (ORAL)

Pursuant to the award dated 10.3.2004 (P.6) passed by Presiding Officer, Industrial Tribunal-cum-Labour Court Rohtak, the petitioner was reinstated in service with continuity of service and 50% back wages from the date of demand notice i.e from 22.7.2000.

It is stated that the petitioner was appointed as Mali/Groundman on daily wages with the respondent-Department in the month of August 1993 and his services were terminated on 01.3.1996. It is stated that since the continuity of service has been granted to the petitioner from 22.7.2000 as per the award, his case for regularization was to be considered as per Policy dated 01.10.2003 (P.1) vide which only such Ad hoc/contract employees who have completed three years service on 30th September, 2003 are to be made regular. As per the award of the Tribunal, the petitioner has worked for more than 300 days, hence his case could not have been rejected by the respondents for regularization.

A perusal of the award (P.6) shows that the petitioner continuously worked from August 1993 to 29.2.1996 i.e two years and 07 months and thus his case was not covered as per Policy dated 07.3.1996,

18.3.1996 and 01.10.2003. His case has been rejected on the ground that the instructions dated 01.10.2003 for regularization of service had been withdrawn by the Chief Secretary office notification dated 13.4.2007.

Since the petitioner has now been granted the benefit of reinstatement with continuity of service as per award dated 10.3.2004 for all intents and purposes, his case is covered in the light of Policy dated 01.10.2003 (P.1) and this aspect has also been considered by this Court in a bunch of writ petitions bearing CWP No.9873 of 2013 titled Raj Kumar Vs. State of Haryana and Ors while observing that during the period when the case of the petitioner-workman was pending before the Industrial Tribunal, similarly situated employees had been given the benefit of regularization as per Policy dated 01.10.2003, hence the petitioner be also treated at par with those employees, who were in service.

Accordingly, the present petition is allowed in the light of judgment (P.5).

August 06, 2018
manoj

(RITU BAHRI)
JUDGE

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