

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

**CWP No. 37863-2018
Date of decision: 20.12.2018**

Ashok KumarPetitioner

versus

State of Haryana and ors. ...Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Raman B. Garg, Advocate
and Mrs. Geetanjali, Advocate
for the petitioner.

RITU BAHRI, J. (Oral)

The present petition is for quashing of order dated 15.07.2016 with further direction to the respondents to regularize the services of the petitioner in terms of recommendations made by respondent No. 4 in its letter dated 09.01.2018 (Annexure P-7).

The petitioner was appointed as Sweeper-Cum-Chownkidar by respondent No. 4 in the respondent-Institute on 15.05.2006 against regular sanctioned post on daily wages at D.C rates. Respondent No. 2 refused to regularize the service of the petitioner in service vide letter dated 01.08.2014 on ground of lack of requisite qualification as prescribed in District Rural Development Agency Employees Service Rules, 2001 as the petitioner was only middle pass. The case of the petitioner was again sent by respondent No. 4 on 16.09.2014 by intimating that the petitioner is middle pass and the benefit of regularization has already been granted to similarly situated employees on the post of Peon, Chownkidar etc in different District Rural Development Agencies

functioning in the State of Haryana. The case of the petitioner was again rejected vide order dated 15.07.2016 (P-5) on the ground that the qualification of matric examination from the recognized institutions ought to be possessed by the employee on the date of appointment/engagement.

However, there is no policy in 2006 of State of Haryana under which the services of the petitioner can be regularized. The petitioner at best can continue to work on daily wages.

In view of the above factual position, this petition is disposed of by giving direction to the respondents to allow the petitioner to continue to work till regular appointments are made and the petitioner shall not be replaced by any other contractual employee. However, it is further made clear that if some new regular candidate joins, the petitioner can be relieved on the basis of last come first go.

December 20, 2018
G Arora

(RITU BAHRI)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes</i>
<i>Whether reportable</i>	<i>No</i>