

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

CWP No. 2180 of 2014 (O&M)

Date of decision : 8.2.2019

Inspector General of Police ... Petitioner
Kuldeep Singh and others versus ... Respondents

**Coram : Hon'ble Mr. Justice Rajiv Sharma
Hon'ble Mr. Justice Kuldip Singh**

Present: Ms. Akanksha Sawhney and Ms Priyanka Dalal, Advocates,
for the petitioner.

Ms. K.S. Chauhan, Ms. Ajit Kumer Ekka and
Ms. Jyoti Rani, Advocates, for respondent nos. 1 to 15.

Ms. Neha Sharma, Advocate, for respondent no. 17.

Rajiv Sharma, J.

The present writ petition is instituted against the order dated 30.8.2013 (Annexure P-1), passed by the learned Central Administrative Tribunal, Chandigarh Bench, Chandigarh, in OA No. 152-CH-2012.

The names of the private respondents were sponsored by the respective Employment Exchanges. Respondents were initially appointed for a period of 89 days on rates fixed by the Deputy Commissioner, Chandigarh. The fact of the matter is that they kept on discharging their duties uninterruptedly, though their initial appointment was for a period of 89 days. Respondents were legitimately expecting that taking into consideration their length of service, they would be regularized. It is in these circumstances that original application was filed.

Learned Tribunal has disposed of the said original application, directing the petitioner to frame a policy for regularization that too in accordance with the judgment of Hon'ble the Apex Court rendered in Secretary, State of Karnataka and others vs Uma Devi and others, 2006 (4) SCC 1, with a rider that they would consider their case for regularization only if found eligible and suitable in all respects.

Learned counsel for the petitioner also relies upon a judgment rendered in State of Bihar and others vs Kirti Narayna Prasad 2018 (11) JT 540. This judgment is not applicable in the peculiar facts and circumstances of the present case as the respondents are working for the last 27 years uninterruptedly.

The eligibility of the private respondents for regularization including educational qualifications has to be seen at the time of appointment and not at the time of regularization. Let the needful be done as per the order within a period of three months from the date of receipt of copy of the order.

The writ petition stands dismissed.

(Rajiv Sharma)
Judge

8.2.2019
vs

(Kuldip Singh)
Judge

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No