

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

CWP No. 1581 of 2018
Date of decision : 13.03.2019

Surender

..Petitioner

Vs.

State of Haryana and others

...Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present:- Mr. Rakesh Nagpal, Advocate
for the petitioner.

Mr. Kiran Pal Singh, AAG, Haryana

Ritu Bahri, J. (oral)

The petitioner has sought direction to the respondents to regularize his services from the date when his juniors were regularized.

On notice, the stand taken by the respondents is that as per the policy dated 10.02.2004, the daily wages employee should be regularized, who had been engaged before 31.01.1996. Annexure R-1 is the notification dated 01.10.2003 issued by the Haryana Government General Administration Department (General Services).

Learned counsel for the petitioner has referred to a Division Bench judgment of this Court in **CWP No. 9708 of 2004 titled as Ajit Singh vs. State of Haryana and others**, decided on 04.02.2015 whereby the restrictions had been put that a person appointed on daily wages having three years of service prior to 31.1.1996, has been held entitled for regularization. The petitioner was appointed as Beldar in the respondent department in the year 1996.

Vide notification dated 01.10.2003, services of all daily wagers, who had put in three year of service as on 30.09.2003, were entitled to be regularized. Through the impugned notification dated 10.02.2004, the

amendment sought to be introduced to the earlier notification dated 1.10.2003, was that services of only those daily wagers would be regularized, who have been engaged before 31.01.1996. I find the introduction of date 31.1.1996 through the impugned amendment dated 10.02.2004 to be unreasonable and arbitrary because if such an amendment is to be allowed, then the result is that a daily wager, who puts in three years of service from 30.01.1996, would be entitled to regularization of his service, whereas the services of the person like the petitioner, who would have put in over five years of service i.e. from April 1998 till 30.09.2003, would not be regularized. The judgment has attained finality and does not dispute by the respondent.

In view of the above, the writ petition is allowed. However, the respondents are directed to consider the case of the petitioner afresh in view of the notification dated 1.10.2003 (Annexure P/3) without insisting that he should be in service from 30.01.1996 in view of the judgment referred to above and pass appropriate orders of regularization within a period of three months.

The compliance report be submitted before this Court.

(RITU BAHRI)
JUDGE

13.03.2019
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Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No