

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

CWP-3448-2018

Date of decision: 10.12.2019

Om Parkash

.....Petitioner.

vs.

**Haryana Urban Development Authority
and others**

.....Respondents.

CORAM: - HON'BLE MR. JUSTICE SANJAY KUMAR

Present: - Mr. Yesh Paal Malik, Advocate for the petitioner.

Mr. Padamkant Dwivedi, Advocate for the respondents.

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Sanjay Kumar, J. (ORAL)

Challenge in this writ petition is to the office order dated 24.1.2017 (Annexure P-8/A) passed by the Administrator, Haryana Urban Development Authority, Hisar, (now renamed as Haryana Shahri Vikas Pradhikaran, Hisar), rejecting the claim of the petitioner for regularization of his services. A consequential direction is sought for grant of relief pursuant to the regularization policy of the Government embodied in the Notification dated 1.10.2003.

It is an admitted fact that the petitioner, who was working as a Sweeper on daily wage basis since 1989 in the Haryana Urban Development Authority, Hisar, was terminated from service in September, 1996, leading to a reference being made to the jurisdictional Industrial Tribunal under Section 10 of the Industrial Disputes Act, 1947. The same culminated in the Award dated 3.2.2006, whereby the Industrial Tribunal-cum-Labour Court, Hisar, held the petitioner entitled to reinstatement in service with continuity of service and other consequential

service benefits along with 50% backwages.

The petitioner earlier filed *CWP-15998-2016*, titled **Om Parkash vs. Haryana Urban Development Authority, Panchkula and others,** ventilating his grievance that in spite of the various policies on the subject of regularization issued by the State, he had been denied such benefit. By order dated 8.8.2016, the said writ petition was disposed of directing the authorities to look into his claim and pass appropriate orders within a time frame. It is pursuant to this direction that the office order dated 24.1.2017 came to be passed.

Admittedly, the petitioner entered the service of Haryana Urban Development Authority, Hisar, as long back as in the year 1989. Though he was removed from service in the year 1996, he was reinstated in service with continuity of service, pursuant to the Award dated 3.2.2006. He is therefore deemed to have been in continuous service throughout. It is not in dispute that his right to be considered for regularization in service stood crystallized under the policy of the Government, notified in the year 2003. That apart, he also had a right to be considered for such regularization pursuant to the Judgment of the Supreme Court in **Secretary, State of Karnataka and ors vs. Umadevi and ors, (2006) 4 SCC 1.** Despite the same, the petitioner was not granted such benefit.

Further, this Court is informed that an identically situated daily wage employee of the Haryana Urban Development Authority, viz., Rajpal, filed *CWP-22606-2012*, titled **Rajpal vs. Haryana Urban Development Authority and others,** before this Court and was granted the benefit of regularization of his service w.e.f. 1.10.2003. A copy of the

Memo bearing No. 956 dated 20.1.2017 issued by the Administrator, Haryana Urban Development Authority, Hisar, in this regard, is placed on record. This Court finds no grounds whatsoever to discriminate or differentiate between the petitioner and the aforestated Rajpal.

In that view of the matter, the writ petition is disposed of directing the Haryana Urban Development Authority, Hisar, (now renamed as Haryana Shahri Vikas Pradhikaran, Hisar), to extend to the petitioner the same benefit that was given to Rajpal *vide memo No. 956 dated 20.1.2017*. This exercise shall be completed expeditiously and in any event, not later than three months from the date of receipt of a certified copy of this order.

No order as to costs.

(SANJAY KUMAR)
JUDGE

10.12.2019

preeti

whether speaking/non speaking

yes/no

whether reportable/non reportable

yes/no