

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP-19271-1996

Date of decision: 13.03.2020

Beer Bhan

...Petitioner(s)

V/s.

State of Haryana and others

...Respondent(s)

CORAM: HON'BLE MS. JUSTICE RITU BAHRI.

Present: Mr. I.D.Singla, Advocate
for the petitioner.

Mr. Harish Nain, AAG, Haryana.

RITU BAHRI, J. (Oral).

By this petition, the petitioner is seeking direction to the respondents to treat him as full time Sweeper-cum-Chowkidar and pay salary of full time Sweeper-cum-Chowkidar from the date of his appointment i.e. 09.08.1996.

The petitioner was initially appointed on 24.02.1989 vide order dated 24.02.1989 (Annexure P-1). Subsequently he was shown to be as part time Sweeper-cum-Chowkidar vide order dated 09.08.1996 (Annexure P-2). The petitioner has made a representation on 06.09.1996 (Annexure P-4) to regularize his services as per instructions dated 18.03.1996 (Annexure P-3) with a further prayer to treat him as full time Sweeper-cum-Chowkidar.

The respondents have filed written statement. In the written statement, it is stated that petitioner is a part time Sweeper and regularization instructions dated 18.03.1996 (Annexure P-3) are not applicable to part time employees. In para 3 of the written statement, the respondents have stated that appointment letter dated 24.02.1989 (Annexure

P-1) is not the correct appointment letter. However in the order dated 25.05.1989 issued by Secretary, R.T.A. Faridabad (Annexure R-2), the name of the petitioner is at Sr. No. 16 and he is appointed as Sweeper-cum-Chowkidar on part time basis from 24.02.1989 to 30.06.1989 and subsequently respondent No. 3 changed the headquarter of petitioner in the office of R.T.A., Faridabad. The petitioner has been given extension as part time Sweeper vide order dated 18.02.1991 (Annexure R-4) and as per the muster roll (Annexure R-5) he has been shown as part time Sweeper.

In response to written statement, the petitioner had filed replication and had placed on record a letter dated 27.03.1997 (Annexure P-5) sent by Secretary-cum-Sub Divisional Officer, Regional Transport Authority, Faridabad to the Transport Commissioner, Chandigarh that petitioner is working from 9 a.m. to 5 p.m. in the office.

This petition was admitted on 02.09.1997 and learned counsel for the petitioner has no instructions whether the case of the petitioner was considered for regularization as a part time employee or not. If the petitioner is continued to work as part time Sweeper, his claim can be considered for regularization.

This petition is being disposed of by giving liberty to the petitioner if any cause of action survives, he can make representation for regularization as per the policy dated 27.09.2011 whereby as one time measure after the judgment of *Secretary, State of Karnataka and others V/s. Umadevi and others, (2006) 4 SCC 1*, part time employees can be regularized if they have completed 10 years of service in the year 2006.

(RITU BAHRI)
JUDGE

13.03.2020

Divyanshi

Whether speaking/reasoned

:

Yes/No

Whether reportable

:

Yes/No