

IN THE HIGH COURT OF PUNJAB ANDHARYANAAT
CHANDIGARH

CWP No. 16921-2015

Date of decision:-12.03.2020

Ramdhari

.....Petitioner

vs.

State of Haryana and ors.

....Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present:- Ms. Ramandeep Kaur, Advocate for
Mr. Ramesh Sharma, Advocate
for the petitioner.

Mr. Randhir Singh, Addl.A.G, Haryana

RITU BAHRI, J.(Oral)

Petitioner is seeking quashing of order dated 20.03.2015 (P-9) whereby the request for correcting the date of regularization has been declined.

On notice of the petition, a reply has been filed admitting the fact that the petitioner was appointed on 07.12.1993 and he does not complete 02 years on contract basis when the policy dated 28.07.1994 came into effect. Further instructions dated 28.07.1994 were withdrawn on 17.11.1995. The petitioner is challenging the regularization order after a gap of almost 16 years. It has further been informed that an accident case is pending against the petitioner and the said case was filed on the written request of the petitioner. The case was filed after due consideration and recovery of Rs.200/- was made from the petitioner. Thereafter, in compliance of order dated 07.08.2013 passed by this Court in CWP No. 17129-2013, the impugned order was passed after affording opportunity of hearing to the petitioner.

Learned counsel for the petitioner submits that since the

similarly situated employees have already been granted the relief of date of regularization after completion of two years of contractual service, therefore, the relief to the petitioner cannot be declined.

Heard.

At the very outset, reference at this stage can be made to Annexure R-1 whereby the instructions dated 28.07.1994 were withdrawn. Further as per memo dated 23.03.1998 Transport Commissioner Haryana instructed to all the General Managers that all those drivers and conductors working on contract basis and still in service and completed 02 years of service on contract basis during the period from 16.06.1994 to 07.01.1998 be regularized in service against the available post in the norm of 1:4 person per vehicle in their respective post and respective depot. The case of the petitioner was considered for regularization and it was found that on 30.10.1994, petitioner was on duty with bus No. HR-16-0104 from Delhi to Jhunjhunu route. F.I.R No. 336 under Section 279/337 IPC was registered against the petitioner at P.S.Bhiwani. Thereafter, the service of the petitioner was regularized w.e.f 01.12.1998, as per policy dated 23.03.1998.

Keeping in view the fact that the petitioner was appointed on 07.12.1993 and he would complete 02 years on 06.12.1995, his case was rightly considered as per policy dated 23.03.1998, as the instructions dated 28.07.1994 were withdrawn on 17.11.1995.

In view of the above, the writ petition is dismissed.

12.03.2020
G Arora

(RITU BAHRI)
JUDGE