

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

**CWP No.25147 of 2018
Date of decision: 18.02.2020**

Mahesh

.....Petitioner

Versus

State of Haryana and others

.....Respondents

CORAM:HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Jaspal Singh Maanipur, Advocate,
for the petitioner.

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

Ritu Bahri, J.

Petitioner is seeking direction to the respondents to regularize his services with effect from the date when his juniors were regularized i.e. w.e.f. 01.04.1993 and 01.02.1996 instead of 01.10.2003.

Facts not in dispute between the parties are that the petitioner was appointed as Beldar on daily wage basis on 01.12.1982. However, his services were terminated in April, 1994. Against the said order, petitioner raised an Industrial Dispute, which was decided against him. Thereafter, he filed CWPNo.21673 of 2008 before this Court. The said petition was allowed by this Court vide order dated 10.09.2009 and the petitioner was ordered to be reinstated with continuity of service and 25% back wages. Respondent-State challenged the said order by filing LPA No.17 of 2017, which was partly allowed on 23.01.2014 and instead of back wages, a lump sum amount of Rs.1,00,000/- was granted. However, the benefit of continuity of service was upheld. Consequently, vide order dated

20.10.2014 (Annexure P-1), services of the petitioner were regularized w.e.f. 01.10.2003.

The petitioner is claiming parity at par with the persons (junior to him), who were appointed in the year 1988-1989 and were regularized w.e.f. 01.04.1993 vide order dated 18.05.2011 (Annexure P-2).

Respondents, in their written statement, are admitting that the petitioner was initially appointed as Beldar on 01.12.1982 on daily basis. He was terminated in the year 1994. Thus, he does not fulfill the condition/instructions of the Government. Another ground taken is that the petitioner does not fulfill the requisite conditions of regularization policy dated 01.04.1993.

Heard. In the present case, vide judgment dated 10.09.2009 passed by this Court in CWP No.21673 of 2008, the petitioner was granted continuity of service. Hence, for all intents and purposes, benefit of continuity of service has to be given to the petitioner. Reference, at this stage, can be made to a judgment passed by this Court in **Balbir Singh vs. State of Haryana and others**, CWP No.13955 of 2013, decided on 09.04.2014 (Annexure P-3). In that case, petitioner-Balbir Singh was seeking regularization w.e.f. 01.02.1996 instead of 01.10.2003. The said petition was allowed by referring to the judgment passed by this Court in **Karamvir Singh vs. State of Haryana and another**, CWP No.5848 of 2011 (decided on 11.01.2012), which was upheld by the LPA Bench vide judgment dated 28.08.2012. Ground taken by the respondents that the petitioner did not fulfill the requisite qualification was also rejected.

The present case is squarely covered by the judgment passed in **Balbir Singh's** case (supra). Since, petitioner has been granted the benefit of

continuity of service vide judgment dated 10.09.2009 passed in CWP No.21673 of 2008 and judgment dated 23.01.2014 passed in LPA No.17 of 2017, he has a right to be regularized with effect from the date when services of his juniors were regularized vide order dated 18.05.2011 (Annexure P-2) w.e.f. 01.02.1996.

In view of the above discussion, this petition is allowed and the respondents are directed to pass appropriate order preponing the date of regularization of petitioner (at par with his juniors as per order dated 18.05.2011), within a period of two months from the date of receipt of certified copy of this order. The consequential benefits be also released to the petitioner within the time stipulated above.

18.02.2020
ajp

(RITU BAHRI)
JUDGE

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