

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

**CWP No.30757 of 2019
Date of Decision: 16.01.2020**

Gyani

.....Petitioner

Vs.

State of Haryana and others

.....Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present:- Mr. Y.P. Malik, Advocate,
for the petitioner.

Mr. Harish Nain, AAG, Haryana.

RITU BAHRI, J. (ORAL)

Services of the petitioner have been regularized vide order dated 30.09.2014 (Annexure P-3) w.e.f. 01.10.2003. Now, he is claiming that his pay should be fixed in regular pay scale w.e.f. 01.10.2003 along with all other consequential benefits.

The petitioner was working as Beldar (Class-IV, Group-D) in PWD (B&R), Hodel Sub Division, Hodel. His services were terminated on 01.04.1996. Thereafter, he raised an industrial dispute and as per Award dated 10.09.2003 passed by the Labour Court-II, Faridabad, he was reinstated with continuity of service and 50% back wages from the date of demand notice. Even, writ petition i.e. CWP No.5495 of 2004 challenging the said award was dismissed by this Court vide order dated 01.04.2004 (Annexure P-1). Hence, for all intents and purposes, he has to be taken on duty with continuity of service. Some of the juniors to the petitioner were regularized w.e.f. 01.10.2003 and the petitioner has now been regularized

A perusal of the above order shows that while regularizing the services, reference has been made to the instructions dated 07.07.2014 issued by the State of Haryana. Keeping in view that the Labour Court, vide award dated 10.09.2003, had granted him continuity of service with 50% back wages, petitioner has been rightly regularized w.e.f. 01.10.2003 and he has a right to be given the benefit of re-fixation of pay in regular pay scale w.e.f. 01.10.2003.

Claim of the petitioner is being denied on the ground that he has been regularized as per regularization policy of 2014. The regularization policy of 16.06.2014 has been quashed by this Court vide judgment dated 31.05.2018 passed in CWP No.17206 of 2014, titled as **Yogesh Tyagi and another vs. State of Haryana and others.**

Petitioner had a right to be considered as per policy dated 01.10.2003. The respondents cannot take a plea that the petitioner has been regularized as per 2014 policy.

In view of the above, present petition is allowed and a direction is given to the respondents to fix the salary of petitioner in the regular pay scale w.e.f. 01.10.2003 with all consequential benefits. This exercise will be completed within a period of three months from the date of receipt of certified copy of this order and compliance thereof, be sent to this Court. In case no order is passed within the aforesaid period, cost of Rs.25,000/- shall be imposed upon the respondents.

(RITU BAHRI)
JUDGE

16.01.2020
ajp

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No