

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

CWP-12493-2000 (O&M)

Date of decision: May 24, 2022

Ram Raj

.....Petitioner

versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present: Mr. Kulwant Singh, Advocate for the petitioner.

Mr. R.D. Sharma, DAG Haryana.

ARUN MONGA, J. (ORAL)

Petition herein *inter alia*, is for issuance of a writ in the nature of Certiorari to quash an order dated 21.04.2000 (Annexure P-8) passed by respondent No.3 vide which the representation (Annexure P-7) of the petitioner was rejected whereby he had requested to grant him revised pay-scale of Rs.950-1400 w.e.f. 01.01.1986 and assign him seniority from the earlier dates when persons junior to him were promoted instead of the date from which he was actually promoted as Water Pump Operator-II. Further, a direction has been sought to grant the revised pay scale of Rs.950-1400 to the petitioner w.e.f. 1.1.1986 and to assign him seniority from an earlier date when persons junior to him were promoted, instead of the date from which he was actually promoted as W.P.O.-II, vide order (Annexure P-1), and further directing that the petitioner be considered to be working as Water Pump Operator-II from the date his juniors have been promoted and pay the petitioner the arrears of salary etc. and other consequential benefits.

2. Petition was admitted for hearing on 06.03.2002.

4. From perusal of record/pleadings, it appears that even on merits, claim of the petitioner is not admissible. Reference may in particular be had to the stand taken in Paras-1 to 3 of Preliminary Objections of the reply filed by respondents No.1 to 3.

5. Learned State counsel has canvassed arguments on the similar lines as per the defense taken in the written statement.

6. Having heard arguments of learned counsel for the petitioner, I find no ground to differ with the stand taken in the written statement. On a Court query, learned counsel for the petitioner does not dispute that vide office order dated 09.02.1987 (Annexure P-1), petitioner was deputed as Water Pump Operator purely on work charge basis. In the premise, the petitioner could not have been considered for regularization on the higher post either on the count of being work charge pump operator or even otherwise, on the count of his eligibility of 4 years of having worked as pump operator before he could be regularized on the said post.

7. It is not in dispute that the petitioner was a work charge employee and as per the applicable Government instructions of those who had completed 4 years of service as on 31.12.1986 were to be regularized w.e.f. 01.01.1987. Accordingly, petitioner was since working on the post of Mali-cum-Chowkidar as work charge employee as on 31.12.1986, being eligible for regularization was brought on the cadre of Mali-cum-Chowkidar w.e.f. 01.01.1987. I see no irregularity either in law or in applying the same yardstick on the petitioner and in the case of other similarly situated employees and thus, there is no discrimination of any sort warranting any judicial intervention.

8. In the premise, I am in agreement with the stand taken by the respondents. Neither any replication has been filed to the afore-noted stand of the respondents nor any additional affidavit of any kind to controvert the same.
9. No grounds to interfere are thus made out.
10. Dismissed.

(ARUN MONGA)
JUDGE

May 24, 2022
mahavir

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No