

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

Sr. No.584

CWP-15718-1999 (O&M)

Date of decision: May 19, 2022

Miyan Singh, Chowkidar

...Petitioner

Versus

State of Haryana and Others

...Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present: Mr. Rakshit Gupta, Advocate
for Mr. Rakesh Gupta, Advocate
for the petitioner.

Mr. R.D. Sharma, Deputy Advocate General, Haryana.

ARUN MONGA, J. (ORAL)

Petition was filed in the year 1999, *inter alia*, for issuance of a writ in the nature of certiorari to quash order dated 29.09.1997 (Annexure P-11), whereby claim of the petitioner for regularization was rejected and seeking directions to the respondents to regularize the petitioner in view of instructions dated 23.03.1998.

2. Petition was filed in the year 1999 and has been lying admitted since 22.01.2002.

3. When called out for hearing, learned counsel is unable to assist the Court for lack of instructions. Learned counsel appearing on behalf of the petitioner states that despite attempts, his office could not contact the petitioner.

4. Perusal of instructions dated 07.03.1996 (Annexure R-1) read with instructions dated 18.03.1996 (Annexure R-2) applicable at the relevant time with respect to accord regularization to work-charge/casual/daily rated employees reveals that only those employees, who had completed 5 or more years of continuous service as on 31.01.1996, would be accorded the benefit of regularization, provided, they had worked for a minimum period of 240 days in each year. The aforesaid instructions dated 07.03.1996 was later modified by subsequent instructions dated 18.03.1996 and the period was reduced to 3 years from 5 years. The petitioner was found not eligible in terms of the aforesaid instructions and therefore he was not accorded with regularization, though on

becoming eligible at later stage, the needful was done. After going through the aforesaid instructions, I find no substance in the claim of the petitioner.

5. In any case, it appears that even on merits, claim of the petitioner is not admissible in view of the following stand taken in para No.9(ii) of the written statement filed on behalf of respondent Nos.1 to 3, which is reproduced herein for ready reference:

“9(ii). That the contents of sub para No.(ii) of the writ petition are wrong and hence denied. It is wrong to suggest that the instruction dated 23.03.1998 issued by the Transport Commissioner, Haryana, Chandigarh for regularization of the service are applicable to the petitioner. These instruction specifically meant for drivers and conductors working on contractual basis in the Transport Department. It is pertinent to mention here that in the year 1996 the Govt. of Haryana had issued instruction for regularization of services of work charged and casual employees for all the department with the condition that all such employees who had completed 5 year service as on 31.01.1996 may be regularized on their respective post. These instructions were later on modified on 18.03.1986 vide which the Govt. had reduced the period of five year to 3 year as on 31.01.1996. Since the petitioner had not completed 3 years of regular continuous service on 31.01.1996, so his services could not be regularized at that time. Thereafter no such instructions have been issued by the Govt., in the light of which the petitioners case could be considered.”

6. I am in agreement with the stand taken by the respondent-State as aforesaid. The same in any case has not been controverted either by way of replication or by way of any additional affidavit.

7. In view of the aforesaid, no ground for interference is made out. Petition is dismissed.

8. Since the main case has been decided, pending civil miscellaneous application, if any, also stands disposed of.

(ARUN MONGA)
JUDGE

May 19, 2022

ashish

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No