

Bhagwat Sarup

...Petitioner

Vs.

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present: Petitioner in person.

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 for quashing impugned order dated 09.02.2001 (Annexure P-15) whereby representation of the petitioner seeking regularization of his services on adhoc basis was rejected. Further prayer has been made for issuance of a writ in the nature of mandamus directing the respondents to treat the petitioner as regular and assign him seniority w.e.f. 24.07.1970.

2. Petition was admitted for hearing on 01.05.2002. When case was called out on previous hearing i.e. 29.08.2022, there was no representation on behalf of the petitioner and therefore Registry had been asked to issue fresh notice to the petitioner. Today, petitioner appears in person.

3. Learned State counsel submits that claim of the petitioner has been rightly rejected as his initial appointment as Sub Inspector, Cooperative Societies on 20.04.1970 in the earlier department i.e. Animal Husbandry Department was on *adhoc* basis, initially for a period of 6 months, or till a regular selected candidate is appointed. He was never appointed on regular basis in the earlier Department and his services were regularized for the first time w.e.f. 01.01.1980 (Annexure P-12),

which the petitioner never challenged. He further argues that the contention of the petitioner that he was earlier granted higher standard pay scale by counting his period of regular service w.e.f. 20.04.1970 is required to be rejected on the ground that he was wrongly considered as regular w.e.f. 20.04.1970 whereas he was in fact appointed on *ad hoc* basis. This fact is clear from letter dated 09.08.2000 (Annexure P-12).

4. I have heard the petitioner in person, as well as learned State counsel and gone through the case file.

5. In any case, from a perusal of record/pleadings, it appears that even on merits, claim of the petitioner is not admissible. Reference may be had in particular to the stand taken in Para-5 and 6 of written statement filed on behalf of respondent No.1 and 2 and the same reads as under:-

“5. That in reply to para 5 of the writ petition, it is submitted that the services of the petitioner have been regularized w.e.f. 01.01.1980 vide order issued under Endst. No.1/3/85-Admn.I(3)/3966-70 dated 09.08.2000, thus his name was not included in the seniority list issued on 07.07.1999 because his services were regularized after the issuance of seniority list. As and when the revised seniority list will be issued, the name of the petitioner will be included at the place where he stands. As regards entry in the service book, the service books of the Sub Inspectors are maintained at the Deputy Registrar, Cooperative Societies level. Entry of regularization of service w.e.f. 01.01.1980 is being made. It is also submitted that no employee junior to the petitioner has been promoted to the post of Inspector, Cooperative Societies. Thus the contention of the petitioner is not sustainable. The representation dated 26.07.1999 was considered and his services were regularized w.e.f. 01.01.1980, as per Govt. Instructions and the petitioner was duly informed on 09.08.2000.

*6. That in reply to para 6 of the writ petition, it is submitted that the facts given by the petitioner are wrong and hence denied. It is also submitted that Govt. has not fixed criteria for regularization of *ad hoc* employees. The services of the *ad hoc* employees have been regularized as and when Govt. have issued notification in this regard from time to time. The representation of the petitioner dated 20.11.2000 for regularization of his services w.e.f. 24.07.1970 was considered and rejected as the notification dated 17.06.1977 vide which the services of *ad hoc* employees were to be regularized w.e.f. 01.04.1977 was later on rescinded by the State Govt. vide notification issued under letter No.8574-IGSI-77/41709 dated 29.12.77 Annexure R-I. Thus the claim of the petitioner for regularization of his services*

and granting him seniority w.e.f. 24.07.70 is not sustainable. The services of the petitioner were regularized w.e.f. 01.01.1980 in terms of Govt. Notification No.G.S.R./Const. Art. 309/80 dated 01.01.1980.”

6. 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.
7. In the overall premise, I see no irregularity of any kind committed by the Department as to warrant any judicial intervention of this Court.
8. In view of the aforesaid, no grounds are made out to interfere.
9. Dismissed.

(ARUN MONGA)
JUDGE

September 19, 2022
Vandana

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No