

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

**LPA-759-2020 (O&M)
Decided on : 28.07.2022**

Dakshin Haryana Bijli Vitran Nigam Ltd., Haryana & others
... Appellants

Versus

Surinder & another
... Respondents

**CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA
HON'BLE MR.JUSTICE VIKAS SURI**

Present:- Mr.Deepak Balyan, Advocate, for the appellants.

Mr.J.K.Goel, Advocate
and Mr.Shvetanshu Goel, Advocate, for the respondents.

G.S. Sandhawalia, J. (Oral)

Challenge in the present appeal is to the order passed by the learned Single Judge on 28.02.2020 in CWP-15834-2018 whereby directions had been issued to consider the case for regularization of the writ petitioners, namely, Surinder and Sita Ram from the date their junior namely Uday Singh was regularized i.e. on 30.10.2017 (Annexure P-6) on the same terms and conditions.

Counsel for the Nigam has pointed out that challenge before the learned Single Judge was to the order dated 12.12.2017 (Annexure P-4) wherein the case of the writ petitioners, Surinder and Sita Ram was rejected on the ground that the policy framed by the Nigam had been withdrawn on 22.08.2007 and they could not be regularized due to non-availability of post and neither the posts of Sweepers and Malis were

sanctioned nor lying vacant. It is, accordingly, contended that Surinder, respondent No.1 was appointed in 03.01.1997 and Sita Ram, respondent No.2 was appointed in February, 1995 and in such circumstances, respondent No.1 had not completed the requisite 10 years as on 10.04.2006 and therefore, the learned Single Judge is not justified in granting the necessary relief.

It is however not disputed that in similar circumstances, while placing reliance upon the discrimination which the Nigams have been doing while granting the benefit of regularization even to the juniors, we have dismissed the appeals by noticing that the Nigams have branched out from the Haryana State Electricity Board which had been bifurcated into the Nigams. The employees were working prior to the bifurcation which was done on 14.08.1998. It is also to be noticed that Uday Singh had been granted the benefit of regularization even though he had not completed the requisite period and had joined much later having been appointed on 24.03.2000. Reliance can be placed upon the observations made in LPA-1316-2018 titled *Haryana Vidyut Parsaran Nigam Ltd. & others Vs. Madan Lal & others* decided on 12.07.2022.

Mr.Balyan is not in a position to deny the said aspect as he was counsel in the said bunch of cases. It has also been noticed in another bunch of cases that there were sanctioned posts available with the Nigam as per their affidavit filed in connected matters. Thus they were playing hide and seek with the Court while denying regularization and

granting the same to another set of persons. The said observations have come for in LPA-837-2018 titled *Haryana Vidyut Parsaran Nigam Ltd. & others Vs. Darshan Singh & others* decided on 19.07.2022, whereby even costs have been imposed upon the Nigam.

Accordingly, keeping in view the above, the order of the learned Single Judge is modified to the extent that the benefit of regularization will be granted to the respondent No.1 workman from the date he completed 10 years of service in view of the policy and admittedly the fact that they have continued working and are in employment with the Nigam till now. Accordingly, the present appeal is disposed of in the said terms. Needful be done within a period of 3 months.

(G.S. SANDHAWALIA)
JUDGE

July 28, 2022
sailesh

(VIKAS SURI)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No