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

CWP No. 10543 OF 2022

DATE OF DECISION : 18.05.2022

Rajwanti and another

...Petitioners

Versus

State of Haryana and others

...Respondents

CORAM : HON'BLE MR. JUSTICE ARUN MONGA

Present : Mr. S. K. Daaria, Advocate,
for the petitioners.

Mr. Pankaj Middha, Addl. AG, Haryana.

ARUN MONGA, J. (ORAL)

Petitioners herein, *inter alia*, seek quashing of impugned memo dated 08.04.2022 (Annexure P-5) whereby claim of the petitioners for regularization has been rejected without giving any specific reason.

2. Brief facts first. Petitioners are working on daily wages with the respondent- department from different dates. The petitioners claim that they are eligible for regularization under the policies dated 01.10.2003 and 07/18.03.1996 (Annexures P-1 and P-2 respectively). They also served legal notice dated 07.03.2022 (Annexure P-3) and vide impugned memo/reply to notice dated 08.04.2022 (Annexure P-5), their claim for regularization has been rejected. Hence, the writ petition.

3. Perusal of the reply dated 08.04.2022 (Annexure P-5) reveals that claim of the petitioners has been rightly rejected. Relevant thereof is reproduced herein below :

1) That the contents of para no.1 of your legal notice as stated is wrong hence denied. It is denied that your clients

are working with Forest department till today. It is pertinent to mention here that your clients have never been engaged by the Forest department as daily wager or any other manner.

2. That the contents of para no.2 of your legal notice as stated is wrong hence denied. It is denied that your clients are working with Forest department till today. It is pertinent to mention here that your clients have never been engaged by the Forest department as daily wager or any other manner. Thus, no question arises continuously 240 days in one calendar year.

3. That the contents of para no.3 of your legal notice as stated is wrong hence denied. It is submitted that your clients have never worked with Forest department. Thus act and conduct of your clients being satisfactory or does not arise in any manner. ”

4. What emerges thus is that very relationship of employee and employer is denied by the official respondents since unequivocal stand has been taken that the petitioners are neither currently working nor there is any service record of past to reflect that they worked in their office and if they did, as to what period did they work so as to entitle them to have minimum bench marks prescribed to seek regularization.

4. In view of the aforesaid disputed facts which cannot be adjudicated in extraordinary writ jurisdiction on the basis of affidavit, no ground for interference by this Court is made out.

5. Dismissed.

6. However, the petitioners are at liberty to avail appropriate civil remedy, as may otherwise be available to them in law.

MAY 18, 2022
Shalini

(ARUN MONGA)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No