

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(201)

CWP-1231-2007

Date of Decision : December 16, 2022

Dharambir and others

.. Petitioners

Versus

State of Haryana and others

.. Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Balraj Gujjar, Advocate, for the petitioners.

Mr. Harish Nain, Assistant Advocate General, Haryana.

HARSIMRAN SINGH SETHI J. (ORAL)

In the present writ petition, the prayer of the petitioners is that they are working as part time workers in various Schools for the past more than three decades.

As per the petitioners, the respondent-State had issued various policies for regularizing the services of part time employees and one such policy was issued on 30.12.1998/25.02.1999 or the subsequent policy of 11.11.2003 according to which, the claim of the petitioners was to be considered and as the petitioners were fully eligible for regularization of their services under the said policy, the respondents were under an obligation to grant the petitioners the benefit of the same.

In reply to the claim of the petitioners, the respondents have filed a reply wherein, it has been mentioned that the services of the part time employees were to be regularized on the basis of their seniority and

availability of regular sanctioned posts and keeping in view the said fact, as the seniors of the petitioners are still waiting for regularization of their service, no benefit with regard to the regularization of service could be extended to the petitioners.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

Though, neither the petitioners nor the respondents have mentioned as to how many regular sanctioned posts exists with the respondents so as to consider the claim of the eligibles for regularization of their services so as to oust the petitioners from the zone of consideration.

It has been conceded before this Court that the services of the part time employees could be regularized by the respondent-State under the policy dated 30.12.1998/25.02.1999 or the subsequent policy of 11.11.2003. That being so, the petitioners have a right to be considered for regularization under the said policies.

No fact has been brought to the notice of the petitioners to take out the petitioners from the zone of consideration though a bald statement has been made in the reply that there were not enough posts to regularize the services of the petitioners.

Keeping in view the above, the respondents are directed to consider the claim of the petitioners for regularization of their services under the policy dated 30.12.1998/25.02.1999 or the subsequent policy of 11.11.2003 especially when petitioner No.1 in CWP No.1231 of 2007 has already been regularized now by passing a speaking order with regard to the entitlement of the petitioners for the regularization of their services under the said policy. In case, the respondents come to the conclusion that services

of the petitioners No. 2 to 4 cannot be regularized, detailed reason should be mentioned including the number of posts available and seniority of the petitioners.

Further, the judgment of the Hon'ble Supreme Court of India in ***Civil Appeal No.6798 of 2019 titled as Prem Singh vs. Uttar Pradesh and others, decided on 02.09.2019***, according to which, an employee, who has rendered two decades of service with a Department, needs to be regularized, be kept in mind while passing the speaking order.

The said order be passed by the respondents within a period of eight weeks of the receipt of copy of this order. In case after the passing of the speaking order, it is found that the petitioners are found entitled for any relief, the same be also extended to them without any further delay.

The present petition is disposed of in above terms.

December 16, 2022
harsha

(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : Yes