

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

Item No.115

CWP-4701-2022 (O&M)

Date of decision: May 31, 2022

Parveen Kumar

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present: Mr. Chander Pal Tiwana, Advocate
for the petitioner.

Mr. Pankaj Middha, Addl.A.G., Haryana.

ARUN MONGA, J. (ORAL)

Inter alia, issuance of a writ in the nature of Mandamus commanding the respondents to regularize the services of the petitioner on the post of Mali/Labour (Group-D Post) with effect from the date his juniors were regularized i.e. 01.10.2003 alongwith arrears and all consequential benefits. Reliance is placed on regularization policy dated 01.10.2003/10.02.2004 (Annexure P-1).

2. Petitioner was appointed as Mali/Labourer (Group-D post) on daily wages on 10.01.2001 by respondent No.3 in Saraswati Forest Range, Divisional Forest Office, Kaithal. In the year 2003, the Government of Haryana issued an instruction/regularization policy dated 01.10.2003/10.02.2004. Per policy, *adhoc*/daily wagers (Group C & D) employees who had completed three years service, as on 30.09.2003, were entitled to be regularized. In the year 2011, the State again issued regularization policy dated 29.07.2011, declaring that services of Group C & D workers appointed/engaged on *adhoc*/contract/work-charged/daily wages and part time basis, would be regularized, provided they had worked for not less than 10 years as on 10.04.2006. Again in the year 2014, the State issued a notification/amendment/clarification dated 18.06.2014 (Annexure P-3) for regularization of services of Group C and D employees vide which it was clarified and directed that services of

Group C & D employees working on *ad hoc*/contract/daily wages/work-charged basis, who could not be regularized due to administrative reasons, but were otherwise eligible, shall be regularized w.e.f. the date(s) they were eligible for regularization. Petitioner avers that notwithstanding, his services have not regularized arbitrarily and discriminately. Similarly situated other employees, even junior to the petitioner, have been regularized.

3. Qua the aforesaid grievance, petitioner also submitted legal notice dated 24.09.2018 (Annexure P-7) but the same has not been adverted till date.

4. On advance service, learned State counsel appears and submits that a decision will be taken by competent authority, either way, on the pending legal notice dated 24.09.2018 (Annexure P-7) by passing a speaking order.

5. At this stage, learned counsel for the petitioner also seeks decision on the said legal notice, as suggested by learned State counsel.

6. Given the nature of order being passed, there is no necessity to seek return by any of the respondents as no further proceedings and/or pleadings are required.

7. Without commenting on the merits of the case, the instant writ petition is disposed of with a direction to the respondents to look into the legal notice dated 24.09.2018 (Annexure P-7) of the petitioner and pass an administrative order as expeditiously as possible, in accordance with law.

(ARUN MONGA)
JUDGE

May 31, 2022
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Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No