

414 2nd case

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP NO. 16271-2014

DATE OF DECISION : 06.12.2022

Rajesh Kumar and another

...Petitioners

Versus

State of Haryana and others

...Respondents

CORAM : HON'BLE MR. JUSTICE ARUN MONGA

Present : Mr. Ravinder Malik (Ravi), Advocate,
For the petitioners.

Mr. R.D.Sharma, DAG, Haryana.

ARUN MONGA, J. (ORAL)

Petition was filed in the year 2014, *inter alia*, for issuance of a writ in the nature of mandamus directing the respondents to regularize the services of the petitioners as Pump Operator under Category-C instead of Pump Attendant in terms of Haryana Government Policies dated 07.03.1996 and 18.03.1996 (Annexures P-1 and P-2 respectively).

2. Heard learned counsels for the parties.

3. The controversy in hand has already been decided by me in CWP No. 6673-1998 decided on 28.04.2022 titled "***Ajesh Kumar and others Vs.***

State of Haryana and others". For ready reference, relevant extract whereof is reproduced hereinbelow:-

8. *In the backdrop of the aforesaid judgment, it is thus borne out that in the context of earlier policy/decision of Haryana Government dated 11.05.1994, the Supreme Court has already noted in Amrit Lal Versus State of Haryana', 1999 AIR (SCW) 4697 that the qualifications for the post of Water Pump Operator Grade-II were prescribed by way of two alternatives i.e. a) either an ITI certificate or b) being literate and having minimum experience of 5 years.*

9. *Adverting to the policy Instructions dated 11.05.1994 (supra), the same were meant for regularization of services of work charged/casual/daily rated employees as is evident from the*

perusal of Amrit Lal Judgment, ibid. Subsequent policy Instructions dated 07.03.1996 (Annexure P-3) which were modified vide later Instructions dated 18.03.1996 (Annexure P-4) laid down the requirement of 3 years experience as on 31.01.1996. In other words, the eligibility requirement as it stood on 31.01.1996 for regularization was either possessing of an ITI certificate or being literato with minimum work experience of 3 years.

10. Reverting to the case in hand, petitioners No.1, 2 and 3 were appointed on 01.07.1990, 09.11.1991, 01.06.1990 respectively. All of them were appointed as Pump Attendants later on re-designated as Water Pump Operators-II in Category C. They assert that they are/were all matriculates and in addition to also possess ITI certificates. That apart, they had more than the required three years experience as on 31.01.1996.

11. In totality of circumstance and as an upshot of the discussion in the preceding paragraphs, I am thus of the view that petitioners are eligible for regularization on the post of 'Assistant Pump Operator' now re-designated as "Water Pump Operator' in Category C, which is a Class-III post with effect from 01.02.1996 in terms of the policy instructions dated 07.03.1996 as duly modified vide later instructions dated 18.03.1996 (Annexure P-4).

12. In the parting, at the cost of repetition, I may hasten to add here that to my mind, analogy of Anil Kumar Mehta judgment (supra) is applicable to the instant case and the petitioners are entitled to regularization of their services as already noted hereinabove.

13. Accordingly, petition is allowed and respondents are directed to regularize the services of the petitioners with effect from 01.02.1996 in terms of the observations contained in preceding paragraph of the instant order/judgment with all consequential monetary benefits along with interest @ 5% per annum till actual date of payment."

4. In the premise, the instant writ petition stands allowed and respondents are directed to regularize the services of the petitioners with effect from 01.02.1996 with all consequential benefits. It is however, made clear that the monetary benefits are confined to 38 months' prior to filing of the writ petition payable with interest @ 5% per annum till actual date of payment.

5. Needful exercise be carried out within a period of 3 months from

the date when petitioners approach the authorities along with copy of the

instant order.
6. Pending application, if any, shall also stand disposed of.

December 06, 2022
vandana

(ARUN MONGA)
JUDGE

Whether speaking/reasoned :
Whether reportable :

Yes/No
Yes/No