

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

**CWP-189-2018 (O&M)  
along with connected cases  
Decided on : 21.07.2022**

Virender Singh

... Petitioner

Versus

Dakshin Haryana Bijli Vitran Nigam Ltd. & others

... Respondents

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

Present:- Mr.Manoj Chahal, Advocate,  
for the petitioner(s) in CWP-189-2018.  
Mr.Deepak Balyan, Advocate, for the appellant(s) in  
LPA-354, 399, 400, 403, 799, 338, 339,  
341, 343 & 347-2019.  
Mr. Jagdish Manchanda, Advocate for respondents  
in LPA-338, 339, 354, 399, 343, 799 of 2018.  
Mr.B.K.Bagri, Advocate  
for the respondent(s) in LPA-400-2019.  
Mr.Mukesh Yadav, Advocate,  
for respondent no. 1 in LPA-403-2019.  
Mr. Hitesh Pandit, Addl. A.G., Haryana.

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**G.S. Sandhawalia, J. (Oral)**

The present judgment shall dispose of CWP-189-2018,  
LPA-354, 399, 400, 403, 799, 338, 339, 341, 343 & 347-2019.

Challenge has been raised in CWP-189-2018 to the order  
dated 14.03.2014 (Annexure P-5) wherein the claim for regularization of  
the petitioner as per the policy dated 29.07.2011 (Annexure P-4) has been  
rejected on the ground that the person was not engaged through  
Employment Exchange or on the basis of recommendation made by the

Department Selection Committee or through advertisement in newspaper. The case was ordered to be heard along with LPA-341-2019 since similarly situated persons had already been declined the relief vide the said order, namely, Surjit, Dharam Raj, Ashok Kumar, Gulab Singh, Satbir, Itwari Lal, Rajender Nath, Kailash, Satish Kumar, Nand Gopal and Virender Singh. LPA-354-2019 titled *Haryana Vidyut Prasaran Nigam Ltd. & others Vs. Gulab Singh & others*, has also been taken up which challenges the order of the learned Single Judge dated 17.04.2018 granting regularization. It is not disputed that Virender Singh was appointed as a Part-Time Mali having been appointed on 01.12.1995 and therefore, completed the requisite 10 years as on 10.04.2006 as per the policy and the date of the judgment in **Secretary, State of Karnataka & others Vs. Uma Devi & others, (2006) 4 SCC 1**.

In the connected LPA-354, 399, 400, 403 & 799-2019, the learned Single Judge had allowed the writ petitions on the general principle that the cases need to be allowed in terms of judgment passed in CWP-2326-2011 titled *Chhabi Lal & others Vs. State of Haryana & others*, decided on 20.05.2015, which had been upheld in LPA-1700-2015 on 10.10.2017, apart from reliance placed upon CWP-11368-2012 titled *Gian Chand & others Vs. Haryana Vidyut Parsaran Nigam Ltd. & others*, on 22.04.2014, which judgment had been upheld till the Apex Court on 07.01.2015.

Similarly, challenge has been raised by the Nigam to the

orders passed by the learned Single Judge dated 24.04.2018 in LPA-338, 339, 341, 343 & 347-2019 wherein also, the learned Single Judge, while disposing all the writ petitions had relied upon the earlier judgment passed in Chhabi Lal (supra) and held that for the labourers involved, there can be no competitive selection and a daily-wage worker is not a person to hold a public post but the right to permanence accrues because of long length of service which is uninterrupted and continuous. It was also noticed that the Nigam had not taken any action against the said officers who had appointed them decades ago and nothing is against them which show that the appointment is illegal which would bring the case within the ratio of Uma Devi (supra).

A perusal of the one of the writ petitions, bearing CWP-14010-2015 titled *Pala Ram Vs. Dakshin Haryana Bijli Vitran Nigam Ltd. & others*, would go on to show that the challenge was to the order dated 17.06.2015 (Annexure P-12) wherein reply had been sent to the legal notice claiming the benefit of regularization. A perusal of the same would go on to show that there was an admission that Pala Ram was engaged as Sweeper on 13.08.1990 and the defence was that he had worked for 18 years with one break and a part-time Sweeper was not covered under the policy of regularization as per memo dated 08.08.2003. It is pertinent to notice that the demand notice in the case of Pala Ram is dated 04.06.2015 and at that time, subsequent policy dated 29.07.2011 had already come into force on 29.07.2011 which was applicable to the

Nigam, which has not been adverted to in the response.

We have already discussed the issue in detail in LPA-837-2018 titled *Haryana Vidyut Parsaran Nigam Ltd. & others Vs. Darshan Singh & others*, decided on 19.07.2022 and there is no dispute that benefit of the said policy is to be given to part-time worker also and therefore, it was not justified on the part of the Nigam to deny the benefit of regularization on that ground also. We have dealt with the issue regarding availability of sanctioned posts or the appointment through Employment Exchange or against sanctioned posts in the said case also. For the reasons given in the said case, we are of the opinion that learned Single Judge did not err in any manner in granting the benefit of regularization to the writ petitioners.

Resultantly, in view of the above discussion, the appeals filed by the Nigam are dismissed. However, CWP-189-2018 is allowed and the Nigam is directed to regularize the service of the petitioner within a period of 2 months.

**(G.S. SANDHAWALIA)**  
**JUDGE**

**July 21, 2022**  
*sailash*

**(VIKAS SURI)**  
**JUDGE**

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