

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(207)

CWP-20909-2017

Date of Decision : December 16, 2022

Dharampal

.. Petitioner

Versus

State of Haryana and others

.. Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. B.D. Rana, Advocate, for the petitioner.

Mr. Harish Nain, Assistant Advocate General, Haryana.

HARSIMRAN SINGH SETHI J. (ORAL)

In the present writ petition, the prayer of the petitioner is that he is working as part time worker in various Schools for the past more than three decades.

As per the petitioner, 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 petitioner was to be considered and as the petitioner was fully eligible for regularization of his services under the said policy, the respondents were under an obligation to grant the petitioner the benefit of the same.

In reply to the claim of the petitioner, 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 petitioner are still waiting for regularization of their service, no benefit with regard to the regularization of service could be extended to the petitioner.

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

Though, neither the petitioner 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 petitioner 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 petitioner has a right to be considered for regularization under the said policies.

No fact has been brought to the notice of the petitioner to take out the petitioner 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 petitioner.

Keeping in view the above, the respondents are directed to consider the claim of the petitioner for regularization of his services under the policy dated 30.12.1998/25.02.1999 or the subsequent policy of 11.11.2003 by passing a speaking order with regard to the entitlement of the petitioner for the regularization of his services under the said policy. In case, the respondents come to the conclusion that services of the petitioner cannot be regularized, detailed reason should be mentioned including the

number of posts available and seniority of the petitioner.

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 petitioner is found entitled for any relief, the same be also extended to him 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