

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CWP-25950-2015 (O&M)

Date of decision: August 09, 2022

Jagpal Singh and others

....Petitioners

versus

State of Haryana and others

....Respondents

**CORAM: HON'BLE MR. JUSTICE ARUN MONGA**

**Present:** Mr. Ajay Chaudhary, Advocate and  
Mr. Sanchit Punia, Advocate for the petitioners.

Mr. Saurabh Mohunta, DAG Haryana.

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**ARUN MONGA, J. (ORAL)**

Petition herein, *inter alia*, is for issuance of a writ in the nature of Mandamus directing the respondents to regularize the services of the petitioners according to policy decisions dated 01.10.2003 and 10.02.2004 (Annexures P-2 & P-3 respectively) or from the date when the benefit has been granted to a number of similarly situated employees, who are junior to the petitioners, with all consequential benefits.

2. Pursuant to order dated 25.04.2017 passed by this Court, an administrative order dated 27.10.2017 has been passed, relevant part whereof is as below:-

*"I have gone through the relevant record available with the answering respondent and details of working days carefully. From the perusal of above narrated facts, it is clear that **by considering the fact that the award of the Labour Court mandated the continuity of service and the fiction of law reflects that the petitioners would be deemed to be in service,***

***the petitioners No.1, 2, 3, 6, 7 and 10 are found eligible for regularization with effect from 01-10-2003 under the policy dated 01-10-2003*** whereas in case of petitioner No.5 Sh. Zile Singh, the award dated 15-09-2014 has not attained the finality till date on account of which, the petitioner does not fulfill the conditions of 3 years regular service on 30-09-2003. Petitioner No.4, 8 and 9 did not complete three years regular service on 30.09.2003 as a result of which the petitioner No.4, 8 and 9 do not fulfill the terms and conditions prescribed in the said regularization policy dated 01-10-2003 and 10-02-2004 and they are not found eligible for regularization under the policy dated 01-10-2003.

As far as the benefit granted to the numbers of similarly situated employees or juniors to the petitioners whose names were mentioned in Para No.7 of the said writ petition i.e. (1) Kamla w/o Mahender Singh (2) Mahender Singh S/o Sh. Nand Lal (3) Rajpal S/o Manghi Ram, (4) Balbir S/o Manghi Ram (5) Lilu Ram S/o Ram Chander (6) Attar Singh S/o Partap (7) Balwant Singh S/o Jyoti Ram (8) Jyoti S/o Mahender Pal are concerned, it is pertinent to mention here that the office of the answering respondent has not regularized the services of any junior workman by way of ignoring the claim of the petitioners. In fact, if orders of any workman regarding regularization of services were issued by the answering respondent after the dictum settled in case of State of Karnataka vs Uma Devi and others, the same must have been issued in respect of workmen relating to other Divisions of Forest Department under the directions of the higher authorities who must have been seniors in their respective divisions. The petitioners cannot claim themselves to be seniors to the workmen of other Divisions. Hence the petitioner cannot take any benefit under the garb of the orders issued by the office of the answering respondent in respect of the workmen of other division under the directions of higher authorities.

It is pertinent to observe 2014 titled the Hon'ble Division Bench of the Punjab and Haryana High Court, Chandigarh in CWP No.17206 of 2014 titled as Yogesh Tyagi and Anr. V. State of Haryana and Ors, has passed an interim order dated 02.09.2016, the operative part of which is as follows:-

“Having heard learned counsel for the parties, prima facie we are satisfied that the impugned policy runs contrary to the mandate of the Constitutional Bench judgment in the “Secretary, State of Karnataka and others Vs. Uma Devi and others”, (2006) 4 SCC 1. Hence further regularization of services under the said policy shall remain stayed till the final decision. The regularization orders, if any, passed earlier shall be subject to final outcome of the writ petition.”

*Moreover, in the light of the aforementioned order, the Chief Secretary to Government of Haryana vide letter No.6/26/01-1GS1 dated 15.09.2016 has instructed that no further regularization of services of employees shall be made under the said regularization policies issued/ revived on or after 16.06.2014. It has also been instructed therein that regularization orders, if any, issued earlier shall be subject to the final outcome of the Civil Writ petitions.*

*In the light of the above facts and circumstances, I have considered the claim of regularization of all the petitioners from Sr. No.1 to 10 from every angle **but the claim of petitioners No.1, 2, 3 6, 7 and 10 (S/Sh. Jagpal Singh, Ram Kishan, Moti Ram, Jai Bhagwan, Ranjeet and Om Parkash) for regularization of their services under regularization policy dated 01.10.2003 and 10.02.2004 cannot be accepted at this stage** and their services cannot be regularized in view of the aforementioned order dated 02.09.2016 passed by the Hon'ble Division Bench of the High Court and the above-cited instructions dated 15.09.2016 from the Chief Secretary of Haryana whereas the services of petitioners No.4, 5, 8 and 9 (S/Sh. Shamsher Singh, Zile Singh, Dinesh Kumar and Virender Mann) being found not eligible for regularization can also not be regularized under the policy dated 01.10.2003 and 10.02.2004.*

***Hence, I reject the claim of all the petitioners and regret to inform that the services of the petitioners cannot be regularized."***

3. Perusal of the aforesaid speaking order reflects that even though competent authority found petitioners No.1, 2, 3, 6, 7 & 10 entitled for regularization yet he conveyed his inability to accord them these benefits, perhaps being under the impression that their cases have to await the outcome of SLP (C)-031566-2018 titled as **State of Haryana and others** versus **Yogesh Tyagi and another**, *sub judice* in Supreme Court. To that extent, I need not labour any further. My learned Brother B.S. Walia, J., after hearing the parties passed the following order dated 30.08.2019:-

*"[1] Prayer in the writ petition is for the issuance of writ of mandamus for directing the respondents to regularize the services of the petitioners in accordance with Policy (Annexures P-2 & P-3) dated 01.10.2003 and 10.02.2004.*

[2] *Learned counsel for the petitioners states that qua petitioner Nos.4, 5, 8 & 9, the claim of the petitioners has been rejected vide office Order No.63 dated 27.10.2017 passed by Dr. Rajesh Vats, HFS, Divisional Forest Officer, Hisar, Forest Division, Hisar, Haryana, therefore, he does not press the writ petition qua aforementioned petitioners and prays for liberty to challenge aforementioned order by way of a separate writ petition.*

[3] *Learned counsel further contends that in terms of office Order No.63 dated 27.10.2017 (Page No.59 of paper book), passed by Dr. Rajesh Vats, HFS, Divisional Forest Officer, Hisar, Forest Division, Hisar, Haryana, petitioner Nos. 1, 2, 3, 6, 7 & 10 were found eligible for regularization w.e.f. 01.10.2003 but orders in respect thereto were not passed, regularizing aforementioned petitioners w.e.f. 01.10.2003 on account of pendency of CWP No.17206 of 2014 titled as '**Yogesh Tyagi and another** versus **State of Haryana and others**' but that said writ petition has since been decided vide order dated 02.09.2016.*

[4] *Learned counsel states that in the light of the position noted above, the petitioners would be satisfied, if the writ petition is disposed of qua aforementioned petitioners by directing the respondents to take a decision with regard to the claim of the petitioners in view of the decision in **Yogesh Tyagi 's** case, as well as decision dated 11.09.2018 of this Court in CWP No.10481 of 2016 in case titled as '**Tirloki and others** versus **State of Haryana and others**'.*

[5] *In the light of the position as noted above, writ petition qua petitioner Nos.4, 5, 8 & 9 is dismissed as withdrawn, with the liberty as prayed for while writ petition qua petitioner Nos.1, 2, 3, 6, 7 & 10 is adjourned to 03.10.2019 to enable learned Senior Deputy Advocate General to respond to the reliance by the petitioners on the decision in CWP No.10481 of 2016."*

4. Reliance placed by learned counsel for the petitioner on the decision dated 11.09.2018 rendered in **CWP-10481-2016** titled **Tirloki and others versus State of Haryana and others**, is in consonance with the views expressed by my learned Brother as above.

5. I am in respectful agreement with the view taken by my learned Brother as aforesaid. In view of **Tirloki's case (supra)**, I see no reason why the petitioners No.1, 2, 3, 6, 7 & 10 be not accorded similar benefits. As

regards rest of the petitioners, writ petition has already been withdrawn by the learned counsel for the petitioners.

6. In the premise, writ petition is disposed of with a direction to the respondents that if steps have already not been taken in terms of speaking order *ibid* for regularization of services of petitioners No.1, 2, 3, 6, 7 & 10, same shall be done within a period of 2 months from today.

(ARUN MONGA)  
JUDGE

August 09, 2022  
mahavir

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No