

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

CWP NO. 8938 OF 2016

DATE OF DECISION: 15.11.2022

Shiv Dhan

...Petitioner

Versus

State of Haryana and another

...Respondents

CORAM : HON'BLE MR. JUSTICE ARUN MONGA

Present : Mr. R. K. Malik, Senior Advocate with
Mr. Sandeep Dhull, Advocate,
for the petitioner.

Mr. Saurabh Mohunta, DAG, Haryana.

ARUN MONGA, J. (ORAL)

Petition herein, *inter alia*, is for issuance of a writ in the nature of certiorari seeking quashing of order dated 25.07.2014 (Annexure P-8) vide which petitioner's case for regularization has been rejected. Further prayer has been made to quash order dated 20.02.2017 (Annexure P-10) whereby claim of the petitioner has again been rejected.

2. While issuing notice of motion on 09.05.2016, my learned sister RituBahri, J. (as she then was seized of the matter) passed the following order:

“ Learned senior counsel for the petitioner *inter alia* contends that the petitioner was appointed as Chowkidar in the year 1989 and was terminated from the services on 20.12.1996. However, he was reinstated in view of the labour Court award with continuity of service, vide award dated 10.09.2003. But till date his services have not been regularized on the sole ground that the regularization policies have been withdrawn by the State Government.

Learned senior counsel has referred to the policy decision dated 20.06.2014 (P-4) whereby the Government has withdrawn the letter whereby Haryana Government has earlier withdrawn the policy decision dated. 01.10.2003/10.02.2004 and decided to regularize the services of left over cases.

Notice of motion for 15.11.2016.

On asking of the Court, Mr. Hitesh Pandit, AddLA.G. Haryana accepts notice on behalf of the State. Learned counsel for the petitioner is. directed to supply copy of the petition to the learned State counsel by today itself during the course of the day.

In the meantime, respondents shall pass appropriate orders in the case of the petitioner, as per policy decision dated 20.06.2014 (P-4).

In the meantime, status quo with regard to the service of the petitioner be maintained.”

3. *Apropos*, though no formal return till date has been filed to the writ petition, which was also amended subsequently, but learned State counsel in the course of hearing today has handed over a copy of order dated 21.05.2019, which is taken on record and marked as Annexure “A”, which *inter alia* reads as under:

“4. As per detail given above and continuity given by the Ld. Labour Court vide award dated 10.09.2003, the petitioner fulfils the conditions of regularization policy 2003 and is entitled for regularization w.e.f. 1.10.2003 as per regularization policy of 2003.

5. It is pertinent to mention here that the petitioner was working as daily wage labourer and was not working against a sanctioned post. Therefore, the services of the petitioner would be regularized after creation of one post of Labourer (Group-D) by the government as per regularization policy of 2003. The case for creation of one post of Labourer (Group-D) is being sent separately through proper channel. However, petitioner will be entitled for payment of the arrears of regular pay scale restricted to 38 months prior to the date of actual regularization order and other benefits will be granted to the employee as per Chief Secretary to Government, Haryana U.O.No.6/20/2018-1GSI dated 21.12.2018.

I order accordingly.”

4. In view of the aforesaid, nothing survives for adjudication before this Court. Accordingly, instant writ petition is disposed of as infructuous.

5. In case, benefit of regularization with effect from 01.10.2003 has not been accorded to the petitioner, including all admissible consequential benefits arising therefrom, the needful be done within a period of two months from today.

6. Disposed of in above terms.

NOVEMBER 15, 2022
Shalini

(ARUN MONGA)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No