

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

CWP-30425-2018 (O&M)

Date of decision: July 04, 2022

Kitabo Devi

....Petitioner

versus

State of Haryana and others

....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present: Mr. Dharamveer Phour, Advocate for the petitioner.

Mr. R.K.S. Brar, Additional AG Haryana.

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 petitioner as Class-IV labourer, in terms of policy dated 07.03.1996/18.03.1996 or 01.10.2003 with all consequential benefits.

2. Pursuant to the interim order dated 01.12.2018 passed by this Court, an administrative order dated 05.04.2019 (Annexure R-1) has been passed by Divisional Forest Officer, wherein it is stated as below:-

“4. As per regularization policy dated 01.10.2003 and 10.02.2004 only such daily wage employees who have completed three years services on Group-D post(s) 30th September, 2003 and were in service on 30th September, 2003 shall be regularized against their respective Group-D posts provided they fulfil the requisite qualification and were originally appointed against vacant posts, provided further that they have worked for a minimum period of 240 days in each year and if the break in service of a daily wages employee(s) has been caused for no fault attributable to him, such break period be condoned unless it is of an extraordinary longer period. Further the following amendments were made in this policy vide notification dated 10.02.2004:-

- a) *for the words “fulfill the requisite qualification and were originally appointed against the vacant posts”, the words, figure and sign “fulfill the requisite qualification on the date of engagement or on 30.09.2003”, shall be substituted.*
- b) *for the figures and words, “30 days”, the figure and “word 30 days in a year” shall be substituted.*
- d) *After condition no.7, the following shall be added at the end, namely:-
“8. In case of daily wage group C and D employees, only those daily wage employees shall be regularized who had been engaged before 31.01.1996 provided they fulfill the other conditions.”*

5. *As per detail given above and continuity given by the Ld. Labour Court vide award dated 20.01.2011, the petitioner fulfils the conditions of regularization policy 2003 and is entitled for regularization w.e.f. 01.10.2003 as per regularization policy of 2003.”*

3. In view of the aforesaid, nothing survives for adjudication by this Court.

4. Writ petition is disposed of with a direction to the respondents to implement the aforesaid speaking order within a period of 60 days from today, failing which it shall be liable for consequences including contempt proceedings.

(ARUN MONGA)
JUDGE

July 04, 2022

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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No