

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

230

**CWP-1537-2019 (O&M)
Date of decision: 18.01.2023**

Gulab Kaur and others

...Petitioners

Versus

State of Haryana and others

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. S.K.Malik, Advocate for the petitioners.

Mr. Rajesh Gaur, Addl. AG Haryana.

HARNARESH SINGH GILL, J. (ORAL)

Prayer in the petition is for issuance of directions to the respondents to regularize the services of the petitioners w.e.f 27.09.2003 i.e. the date from which the services of juniors have been regularized and to grant the consequential benefits to the petitioners.

Short reply filed on behalf of respondent Nos. 1 to 3 is already on record.

Vide order dated 21.01.2019 passed by a Coordinate Bench, the respondents were directed to consider the case of the petitioners and pass appropriate orders with regard to regularization of the services of the petitioners from the date of their entitlement, in view of 'Balwinder Singh and Others Vs. State of Haryana and others', CWP-2009-2016 decided on 04.10.2018.

Learned State counsel points out that as per the Office order

dated 25.04.2019 (Annexure R-1 attached with the short reply) passed by the District Education Officer, Fatehabad, the petitioners were engaged in the years 1992 and 1993 by the Department on part-time basis in different Schools against non-sanctioned posts. As there were no sanctioned posts in those Schools, where the petitioners were engaged, and the petitioners were regularized w.e.f. from 01.04.2011 as per the Regularisation Policy of the Department dated 11.11.2003/27.02.2004. As far as the case of the Junior Inder Singh is concerned, who was regularized w.e.f 27.09.2003 as per the Department's Regularisation Policy of 1999, he was engaged on the part-time post in the year 1993 in GMS Chander Kalan, Fatehabad, which was upgraded as High School in the year 1997 according to which the post of Class-IV was got sanctioned there in the year 1997, therefore, he was regularize under the Policy of 1999. The relevant Para of the Policy of 1999 is as under:-

“It has been decided that the service of part-time Class-IV employee be regularized who was working against sanctioned vacant post.”

The relevant part of order dated 25.04.2019 is as under:-

“The claim of the petitioners were rejected on the ground that they are not eligible under the Policy 1999. Sh. Inder Singh was regularized as per Departmental Regularisation Policy year 1999 because he was working against sanctioned Post but the petitioners were working against non-sanctioned posts at that time and they were regularized w.e.f. 01.04.2011 as per Department regularization Policy 11.11.2003/27.02.2004. Hon'ble Division Bench has also remitted the Balwinder Singh & Ors case back to the Hon'ble Single Bench vide orders dated

18.03.2019 in LPA No. 109/2019.

Hence the claim of the petitioners are hereby rejected as due benefit have already been granted to them w.e.f. 01.04.2011.”

I have heard the learned counsel for the parties and have also gone through the case file.

Since at that time, the petitioners were not fall under the Regularisation Policy of 1999 and the relief according to Department's Regularisation Policy 11.11.2003/27.02.2004 has already been granted to them, thus this Court is of the opinion that no ground to grant the relief as sought for is made out.

In view of the above, the present petition is disposed of.

(HARNARESH SINGH GILL)
JUDGE

18.01.2023

Mangal Singh

Whether reasoned/speaking?

Yes/No

Whether reportable?

Yes/No