

CM-19910-CWP-2023 ;  
CM-19911-CWP-2023 in/and  
CWP-1829-2003

2023:PHHC:151052

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IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

(101)

CM-19910-CWP-2023 ;  
CM-19911-CWP-2023 in/and  
CWP-1829-2003  
Date of Decision : 28.11.2023

Manjeev Setia

...Petitioner

Versus

State of Haryana and another

...Respondents

***CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI***

Present: Mr. Dinesh Rawat, Advocate for the petitioner.

Mr. Harish Nain, Assistant Advocate General, Haryana.

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**Harsimran Singh Sethi J. (Oral)**

**CM-19910-CWP-2023**

Present application has been filed for fixing the writ petition  
for final arguments.

Notice of the application to the counsel opposite.

Mr. Harish Nain, learned Assistant Advocate General,  
Haryana, who is present in court, accepts notice on behalf of respondent-  
State and raises no objection for the grant of prayer as raised in the  
present application.

Keeping in view the above, application is allowed and the  
writ petition is taken up for hearing today.

**CM-19911-CWP-2023**

Present application has been filed for placing on record the documents as Annexures P-15 to P-18.

Application is allowed and the documents as Annexures P-15 to P-18 are taken on record.

**CWP-1829-2003**

1. In the present petition, the grievance of the petitioner is that by wrongly considering the facts, his claim for regularization of services under 1996 Instructions has been rejected by passing the impugned order dated 16.01.2023.

2. As per the facts mentioned in the petition, the petitioner was appointed as a Helper on 01.02.1992. Thereafter, the posts of the Ticket Verifier were advertised by the respondents and after competing for the said post, the petitioner was appointed as a Ticket Verifier on 01.04.1995 on daily wage basis. The petitioner continued working as such when his services were regularized by the respondents in the year 2001 under the Policy prevailing at the said period of time.

3. The petitioner claimed the benefit of regularization under the Policy dated 08.03.1996. The petitioner made a request for consideration of his claim under the said Policy, which was rejected by the respondents by passing the impugned order dated 16.01.2003 (Annexure P-14), which is under challenge in the present writ petition.

4. Learned counsel for the petitioner argues that the claim of the petitioner was squarely covered under the Policy dated 08.03.1996, hence, the respondents were under obligation to grant the petitioner the benefit of regularization.

5. Learned State counsel submits that the claim of the petitioner was not covered under the Policy dated 08.03.1996 as the petitioner did not have requisite period of service in his credit on the post in question on which he was working and seeking regularization i.e. Ticket Verifier, hence, the impugned order is perfectly valid and legal and the prayer of the petitioner made in the present petition is liable to be rejected.

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

7. It is a conceded fact that the petitioner was appointed on daily wage basis as a Ticket Verifier on 01.04.1995. He was seeking regularization of his services as a Ticket Verifier. As per the Policy dated 08.03.1996, the Class-III employees, who had 5 years of service to their credit on a Class-III post as on 31.01.1996 and were in service, were required to be regularized in service. The condition of period of five years was reduced to three years subsequently, hence, the employees, who were working on a Class-III posts having three years experience as on 01.01.1996 were entitled for regularization.

8. It is a conceded fact that the petitioner was working on a Class-III post and he is appointed on the said post starting from 01.04.1995. Starting from 01.04.1995, the petitioner did not had total three years experience on a Class-III post, therefore, the respondents declined the claim of the petitioner being valid.

9. This Court is of the view that the opinion of the State is within the framework of the Instructions dated 08.03.1996 qua regularization against Class-III post as an employee had to have total three years service in his credit as on 31.01.1996 which the petitioner did not have. The argument, which has been raised by the learned counsel for the petitioner is that under Clause-2 of the Policy, the petitioner if have worked on more than one post, the petitioner was entitled for the benefit, hence, as the petitioner was working from the year 1992, the petitioner is entitled for regularization of his services. The said argument is not correct.

10. From the perusal of the Policy dated 08.03.1996, it is clear that there are different types of employees, who are working such as work charge, casual daily wages, daily wages employees who are working on a Class-III post. Different conditions have been laid down for each category of employees so as to regularization their services. Clause-2 of the Policy is only applicable upon a casual daily wage workers, who are working on a Class-IV posts, whereas the petitioner was not working on a Class-IV post but was working on a Class-III post,

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hence, reliance which is being placed upon Clause-2 of the Policy to claim the benefit, is not at all applicable upon the petitioner to claim regularization on a Class-III post.

11. No other argument was raised.

12. Keeping in view the above, no ground is made out for any interference by this Court in the impugned order dated 16.01.2003 (Annexure P-14).

13. Dismissed.

**November 28<sup>th</sup>, 2023**  
*kanchan*

**(HARSIMRAN SINGH SETHI)**  
**JUDGE**

*Whether speaking/reasoned : Yes/No*

*Whether reportable : Yes/No*