

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

101

**CWP-6649-1995 (O&M)
Date of decision: 31.01.2023**

RAVI KUMAR AND ORS.

..Petitioners

Versus

STATE OF PUNJAB AND ORS

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. P.S. Goraya, Advocate
for the petitioners.

Mr. R.S. Pandher, Sr. DAG, Punjab

ANIL KSHETARPAL, J(Oral)

The petitioners pray for issuance of a writ in the nature of mandamus to the respondents to regularize their service with effect from 01.04.1987. It is undisputed that the petitioners were initially recruited as warders on ad-hoc basis. However, the departmental regularization committee found that the petitioners do not fulfil the physical standards required for the post of warden qua chest and height. Consequently, they were discharged from the service on 01.04.1987 along with several other candidates. One of the candidates amongst them Sh. Najar Singh filed a writ petition in the High Court claiming regularization. He was also discharged from the post of warden along with the petitioner. Pursuant to the order passed by the High Court, a decision was taken to regularize his services. Similarly, the petitioners pursuant to the order of the High Court were taken back in service and given appointment with effect from 1991. The petitioners claim that since Sh. Najar Singh has been given appointment with effect from 01.04.1987, therefore they on the basis of parity, are entitled to the same date.

This Bench has heard the learned counsel representing the parties and with their able assistance perused the paperbook.

The respondents while filing a detailed written statement has stated that the order in the case of Sh. Najar Singh was passed pursuant to the directions of the High Court and he was reappointed on 07.12.1988. The petitioners filed the writ petition in the year 1991 and consequently, they were reappointed in the year 1991.

The protection against discrimination is a positive concept. The petitioners admittedly came to the Court in the year 1991. Hence, even though, the petitioners did not fulfil the minimum requirement, however, they were reappointed.

In absence of any Rule, Regulation or instructions providing for the regularization of petitioners services with effect from 01.04.1987, there is no substance in the present writ petition.

Dismissed.

All the pending miscellaneous applications, if any, are also disposed of.

January 31st, 2023

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(ANIL KSHETARPAL)
JUDGE

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