

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

(250)

CWP-7160-2019

Date of Decision : November 06, 2023

Niranjan Sharma

.. Petitioner

Versus

State of Haryana and others

.. Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Deepak Sonak, Advocate, for the petitioner.

Mr. Harish Rathee, Sr. Deputy Advocate General, Haryana.

HARSIMRAN SINGH SETHI J. (ORAL)

1. In the present writ petition, the petitioner is challenging the order dated 05.02.2019 (Annexure P-12) by which, the claim of the petitioner for regularization of his services under the Regularization Policy dated 01.10.2003 has been rejected.

2. Learned counsel for the petitioner argues that the only ground which has been taken by the respondents for rejection of the claim of the petitioner is that the Regularization Policy dated 01.10.2003 is only applicable upon the appointees, who were appointed prior to 31.01.1996 and as the petitioner is appointed after 31.01.1996, the claim of the petitioner for regularization of services under the 2003 Policy has been rejected whereas, the relevant clause of the Regularization Policy dated 01.10.2003 that the employee concerned should have been appointed prior to 31.01.1996 has already been set aside by this Court while passing order in *CWP No.9708 of 2004 titled as Ajit Singh vs. State of Haryana and others, decided on 04.02.2015* (Annexure P-13) as well as in *CWP No.25591 of 2015 titled as Ved Parkash and others vs. State of Haryana*

and another, decided on 13.03.2020, hence, the impugned order dated 05.02.2019 (Annexure P-12) is liable to be set aside with the further direction that the respondents should consider the claim of the petitioner under the Regularization Policy dated 01.10.2003 afresh without bringing into the clause of appointment prior to 31.01.1996.

3. Learned State counsel submits that keeping in view the order passed by the Coordinate Bench of this Court in **Ajit Singh's case (supra)** as well as in **Ved Parkash's case (supra)**, the present order be set aside and the respondents will pass a fresh order on the claim of the petitioner keeping in view the judgment of the Hon'ble Court in **Ajit Singh's case (supra)** as well as in **Ved Parkash's case (supra)** without insisting upon the condition of appointment of the petitioner prior to 31.01.1996 and appropriate order will be passed within a period of eight weeks of the receipt of copy of this order and in case the petitioner is found entitled for any relief, the same will also be extended to him within a further period of four weeks.

4. Keeping in view the above, the impugned order dated 05.02.2019 (Annexure P-12) is set aside with the direction to the respondents to consider the claim of the petitioner afresh by taking into consideration the judgment of the Coordinate Bench of this Court in **Ajit Singh's case (supra)** as well as in **Ved Parkash's case (supra)** and a fresh order as undertaken be passed.

5. The present writ petition is allowed in above terms.

November 06, 2023

harsha

(HARSIMRAN SINGH SETHI)

JUDGE

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