

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

2023:PHHC:154264
CWP-18202-2019 (O&M)
Reserved on : 25.08.2023
Pronounced on : 04.12.2023

Ram Pal

...Petitioner

Vs.

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE SANJEEV PRAKASH SHARMA

Present Mr. Varinder K. Shukla, Advocate for the petitioner.

Mr. D.K. Single, Addl. AG, Punjab.

SANJEEV PRAKASH SHARMA, J.(Oral)

1. The petitioner was appointed as Sweeper on 03.03.1998 on daily wage basis.
2. Brief facts which are required to be noticed for disposal of this writ petition are that the petitioner was appointed as a Sweeper, on daily wage basis, vide order dated 03.03.1998, issued by the District Treasury Officer, Ferozepur.
3. Admittedly, the petitioner has continued without brake on the said post. However, he was not regularized and an order was passed on 11.08.2017, declining the claim of the petitioner for regularization of his services.
4. Learned counsel submits that on 23.01.2001, the State Government had issued a policy for regularization of services of those work charged/daily wages and other categories employees who had completed three years of continuous service on the date of issuance of the said policy.

The petitioner who had been appointed on 1999-2000-2001, therefore, ought

to have been considered for regularization under the said policy. Learned counsel further submits that regularization policy was again invoked by the State Government in the year 2011 but the petitioner's case for regularization was not considered, he, therefore, filed a civil suit seeking attention to the fact that his services are liable to be regularized. The learned trial Court vide its judgment and decree dated 25.03.2015, held that the petitioner would apply to the department for regularization of his services and the State will pass orders accordingly.

5. Against the said judgment, an appeal was preferred by the State of Punjab, which was dismissed with costs by the learned Addl. District Judge, Ferozepur. Execution application was thereafter filed wherein objections were raised and the Executing Court allowed the objections on the ground that the Civil Court decree had been implemented by passing speaking order dated 11.08.2017. In these circumstances, the petitioner has preferred this writ petition assailing the said order of 11.08.2017.

6. This Court expresses its anguish to the mode and manner in which the respondents have dealt with the case of the petitioner for regularization. Admittedly, the appointment order passed initially does not reflect that the petitioner was appointed as part time employee and it merely says that the petitioner was appointed on daily wage basis. Thus, the petitioner was entitled for regularization. Even if it is noticed that as on 23.01.2001, he may have only completed 2 years, 10 months and 20 days of service and as on 2017, he had already put in almost 19 years of service. He, therefore, was entitled to be regularized in terms of the subsequent policy of regularization issued by the State Government. This Court in **Sukhdev Kaur**

vs. State of Punjab and others, CWP-12199-2000, decided on 23.09.2002 and in **Kanta Rani vs. State of Punjab and others**, CWP-1933-2014, decided on 28.10.2014 also held the action of the respondents in not regularizing the services of the petitioner therein to be illegal and unjustified.

7. In view thereof, the writ petition is allowed and the petitioner shall be considered for regularization on the post of Sweeper and would also be entitled for benefits of regularization and regular pay on completion of ten years of service i.e. in 2008. Arrears shall also be paid to him accordingly. The entire exercise shall be completed within three months henceforth.

8. All pending misc. application(s) also stand disposed of.

(SANJEEV PRAKASH SHARMA)
JUDGE

04.12.2023

rajesh

1. Whether speaking/reasoned?	:	Yes/No
2. Whether reportable?	:	Yes/No