

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-25687-2016
Judgment reserved on:13.02.2023
Pronounced on:09.03.2023

Bhawani Prashad and others

...Petitioners

Versus

State of Haryana and others

...Respondents

CWP-16281-2018

Mohd. Iqbal and others

...Petitioners

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. Parveen Bhardwaj, Advocate for the petitioners
 in both cases.

 Mr. R.K. S. Brar, Addl. A.G., Haryana,
 for the respondents.

SUVIR SEHGAL, J.

 This order shall dispose of both the above-mentioned petitions
as they involve common questions of law and facts. For the sake of
convenience, facts are being taken from CWP-25687-2016, titled as
Bhawani Prashad and others.

 Facts, leading to the filing of the petition, are that the
petitioners have been working on daily wages on muster roll basis as *beldar*
since the year 1992 and 1993. Government of Haryana issued circular dated
07.03.1996, Annexure P-2, which was modified vide circular dated

18.03.1996, laying down policies for regularization of work-charged/casual/daily wage workers. On the basis of the circulars, petitioners were regularized with effect from 01.10.2003. They claim that as some of the similarly situated employees were made regular service with effect from 01.02.1996, they submitted representation dated 30.06.2016, Annexure P-7, and approached this Court by way of present petition seeking regularization with retrospective effect. Writ petition has been contested by the respondents by filing a response, wherein a stand has been taken that the petitioners have accepted their regularization and now after a lapse of decades, they cannot claim the same with effect from 01.02.1996 and the petition is liable to be dismissed on account of delay and laches. It has been further submitted that the petitioners did not fulfil the conditions laid down in the Government circulars, Annexures P-2 and P-3, therefore, they did not become admissible for regularization with effect from 01.02.1996.

Counsel for the petitioners has argued that some similarly situated employees had approached this Court by filing CWP-1998-2003, which was disposed of vide order dated 19.08.2004, Annexure P-4, with a direction to the respondent authorities to regularize them with consequential benefits. SLP preferred by the Government was dismissed vide order dated 05.08.2015, Annexure P-5, and vide order dated 14.10.2015, Annexure P-6, the Government implemented the orders passed by this Court. Reference has also been made to order dated 19.05.2016, Annexure P-8, whereby some other employees have been regularized w.e.f. 01.02.1996.

On the other hand, learned State counsel has opposed the petition and has submitted that not only is the petition suffers laches, but the petitioner is not entitled to claim regularization with retrospective effect.

Reliance has been placed by him upon the judgment of the Hon'ble Supreme

Court in Managing Director, Ajmer Vidhyut Vitran Nigam Limited, Ajmer Versus Chiggan Lal and others 2022 (2) SCT 176 to contend that there can be no parity in matter of regularization.

I have considered the submissions made by counsel for the parties and examined the paper-book with their able assistance.

In the authoritative pronouncement in Chiggan Lal’s case (supra), Hon’ble Supreme Court has held as under:-

“9. It is the settled position that the date from which regularization is to be granted is a matter to be decided by the employer keeping in view a number of factors like the nature of the work, number of posts lying vacant, the financial condition of the employer, the additional financial burden caused, the suitability of the workmen for the job, the manner and reason for which the initial appointments were made etc. The said decision will depend upon the facts of each year and no parity can be claimed based on regularization made in respect of the earlier years.

Xxxxxx”

“12.In view of the above, it is clear that the date of regularization and grant of pay scale is a prerogative of the employer/screening committee and no parity can be claimed in the matter of regularization in different years....”

In view of the above, the claim of the petitioner cannot be sustained. Furthermore, it deserves to be noticed that the petitioner has not given any explanation for the delay and laches in approaching this Court.

Finding no merit in the petition, it is hereby dismissed.

09.03.2023
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(SUVIR SEHGAL)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No