

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH
(Sr. No. 215)

(1) CWP No. 27123 of 2015
Date of Decision : 11.09.2023

Brij Lal ...Petitioner

Versus

State of Haryana and others ...Respondents

(2) CWP No. 5161 of 2016

Pyare Lal ...Petitioner

Versus

State of Haryana and others ...Respondents

(3) CWP No. 27206 of 2015

Kuldeep Singh ...Petitioner

Versus

State of Haryana and others ...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Ranvir S. Chauhan, Advocate for the petitioner(s).
Mr. Harish Rathee, Sr. Deputy Advocate General, Haryana.

Harsimran Singh Sethi J. (Oral)

By this common order, three writ petitions, the details of which have been given in the heading, are being decided as all these writ petitions involve the same question of law on similar facts.

For the sake of convenience, the facts are being taken from CWP No. 27123 of 2015.

In the present petition, the grievance of the petitioner(s) is that they are working as Beldars starting from the year 1986 and are still performing the duties but they have not been given the benefit of regularization of their services though, various regularization policies have been issued by the State of Haryana, which covers the claim of the petitioner(s).

Learned counsel for the petitioner(s) argues that one such policy, which was issued by the Government of Haryana for regularizing the services of the employees, was issued on 01.10.2003 and keeping in view the facts and circumstances of the present case, the termination of the services of the petitioner(s) was held to be bad and the petitioner(s) were to be reinstated in service with continuity of service, hence petitioner(s) are deemed to be service on the day when the said regularization policy came into being on 01.10.2003 and the respondents are under obligation to grant the petitioner(s) the benefit of regularization of their services, especially when similarly situated employees have been granted the said benefit.

Learned counsel for the respondents submits that the petitioner(s) were not in service on the day when the regularization policy of the year 2003 came into operation as they only came back in service after the Award passed by the Industrial Tribunal on 14.11.2005. Learned counsel submits that keeping in view the said fact, coupled with the averments made in the written statement that the claim of the petitioner(s) is not covered under the Policy of 2003, the claim of the petitioner(s) for regularization of their services may kindly be declined.

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

Once, it is a conceded fact that the petitioner(s) are working as Beldars since 1986 and have approximately 37 years of service to their credit as of now and the petitioner(s) are still continuing in service, keeping an employee as daily wager for 04 decades shows that the petitioner(s) are prejudiced due to non-action on the part of the respondents to grant them the benefit of regularization of their services despite many policies issued by the State since the appointment of the petitioner(s).

The argument being raised by the learned counsel for the respondents is that petitioner(s) were not in service as on 01.10.2003 when the said policy came into being, hence, petitioner(s) cannot be granted the benefit of said policy. The said argument cannot be accepted as the petitioner(s) were granted the benefit of continuity of service vide Award dated 14.11.2005, which Award has already been upheld by this

Court, hence, by deeming fiction, the petitioner(s) were continuing in service on the day when the policy was issued by the Government of Haryana on 01.10.2003, hence, the petitioner(s) are entitled to be considered for regularization of their services as per the policy dated 01.10.2003 by treating them to be in service as on the said date.

The present petitions are disposed of with the direction to the respondents to consider the claim of the petitioner(s) under the regularization policy dated 01.10.2003 and pass an appropriate speaking order within a period of eight weeks of the receipt of copy of this order. In case, the petitioner(s)' claim is covered under the said policy and the benefit be extended to them and in case, respondents are of the view that claim of the petitioner(s) for regularization of their services is not covered by the said policy, detailed supporting reason be also mentioned in the appropriate speaking order.

Petitions are disposed of in above terms.

September 11, 2023
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No