

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

209

CWP-9056-2015 (O&M)
Date of Decision :-15.11.2023

Ashok Kumar Rohilla

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. J.K. Goel, Advocate for the petitioner.

Mr. Saurabh Mohunta, DAG, Haryana.

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Harsimran Singh Sethi, J. (Oral)

1. In the present petition, prayer of the petitioner is that he should be allowed to continue in service. Further prayer of the petitioner is that keeping in view the regularization policy, which has come into operation in June, 2014, his claim for regularization of his services be considered.

2. At the outset, learned counsel for the petitioner submits that keeping in view the fact that regularization policy under which the petitioner is claiming benefit of regularization of his services is set aside by the Division Bench of this Court in ***CWP No.17206 of 2014 titled as Yogesh Tyagi and another vs. State of Haryana and others, decided on 31.05.2018***, prayer of the petitioner qua regularization of his services is not being pressed any further and the only prayer of the petitioner which survives is that he should be allowed to continue in service.

3. Learned counsel for the respondents submits that certain terms and conditions were put in the appointment letter of the petitioner and the

petitioner needs to fulfill those terms and conditions before he is allowed to continue in service. Learned counsel for the respondents further submits that though, the petitioner has given undertaking before the respondent-department that he will pass the departmental examination within subsistence period of contract but he has not been able to do so. Even after filing of the present writ petition, he has not been able to clear the said test but he is continuing in service under the interim order passed by this Court.

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

6. Prayer of the petitioner is that he should be allowed to continue in service and the said prayer can only be allowed in case the petitioner fulfills the terms and conditions of the employment. The only argument raised by the learned counsel for the petitioner is that respondents did not conduct any departmental examination so as to enable the petitioner to fulfill the eligibility/qualification mentioned in the appointment letter of the petitioner as well as the undertaking given by the petitioner to the said effect hence, the petitioner who has already been taken back in service in terms of the interim order of this Court and is discharging his duties as of now, be allowed the said benefit.

7. Keeping in view the above, present petition is disposed of with the direction to the respondents to pass an appropriate order as to whether the petitioner can be allowed to continue in service or not in case the petitioner fulfills the terms and conditions as mentioned in his appointment letter failing which, the respondents are at liberty to pass an appropriate order which should be in consonance with the terms and conditions of the appointment letter of the petitioner. Respondents are directed to give one

more chance to the petitioner to clear the departmental examination and in case the petitioner fails to clear the said examination, the said fact can be taken into account while passing appropriate order as the petitioner is working from such a long time so as to mitigate any claim of hardship.

8. Petition is disposed of in the above stated terms and conditions.

November 15, 2023

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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No