

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(209)

CWP No. 5539 of 2018

Date of Decision : 08.08.2023

Sunil Kumar

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Shvetanshu Goel, Advocate for the petitioner.

Mr. Saurabh Mohunta, Deputy Advocate General, Haryana.

Harsimran Singh Sethi J. (Oral)

The present petition has been filed with a prayer that the petitioner be allowed to continue in service keeping in view the fact that work of the post on which he was working still exists and the petitioner is already working on the said post for the last about 13 years.

As per the averments made in the petition, the petitioner was not allowed to discharge the duties starting from 01.03.2018 onward on the ground that the authorities are yet to be approve his extension. The petitioner filed the present petition challenging that once the work of the post on which he was working still exists, he should be allowed to continue and further to regularize his services keeping in view the regularization policy, which has been issued by the State of Haryana.

Learned counsel for the respondents submits that keeping in view the averment made in the reply, the petitioner was working with the respondents and as the approval for continuance of the petitioner was not

received from the higher authorities, the petitioner was not allowed to discharge the duties starting from 01.03.2018 but keeping in view the interim order passed by this Court dated 08.03.2018, the petitioner is continuing in service even as of now. Learned counsel for the respondents further submits that as of now, there is no regularization policy, which is existing so as to consider the claim of the petitioner for regularization.

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

Once the petitioner is continuing in service for the last 13 years on the post of a Sweeper and concededly, there exists post of the Sweeper with the respondents, the present petition is disposed of with the direction that the respondents will allow the petitioner to continue till the work of the post exists or till a regular selection on the said post is made, whichever is earlier. Further, in case, by the time the petitioner is in service, any regularization policy is issued by the State of Haryana, the claim of the petitioner be considered in accordance with law.

It may be noticed that in case, petitioner misconducts himself, respondents will be free to pass an appropriate order after following due process as envisaged under law.

The present petition is disposed of in above terms.

August 08, 2023
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No