

2023:PHHC:110253

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CWP-18448-2023 (O&M)
Date of Decision:-23.8.2023

Khyam Prasad Sapkota @ Khyma Prashad ... Petitioner

Versus

State of Punjab and others ... Respondents

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Kshitiz Goel, Advocate for the petitioner.

Mr. Inderpreet Singh Kang, AAG, Punjab.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner seeks issuance of a writ in the nature of certiorari so as to quash order dated 12.10.2009 (Annexure P-1) passed by respondent No.3 - Additional Director General of Police, Armed Battalion, Jalandhar Cantt., Jalandhar to the extent that the petitioner has been regularized w.e.f. 1.10.2009 whereas petitioner claims to be regularized from a much earlier date. Another prayer has been made for seeking a writ in the nature of mandamus directing the respondents to notionally regularize the petitioner w.e.f. 1.2.2001 on the post of 'Barber' at par with similarly situated employees.
2. Learned counsel for the petitioner submitted that the petitioner was initially appointed on a daily wages to the post of 'Barber' in 2nd Armed Battalion, Jalandhar. Since the petitioner and several other identically situated persons

were not regularized, they were constrained to approach this Court by way of filing CWP No.13091 of 2009. It has been submitted that during the pendency of aforesaid writ petition, an order was passed for regularizing the services of the petitioner w.e.f. 1.10.2009. Pursuant thereto the petitioner withdrew the aforesaid petition with liberty to file afresh.

3. Learned counsel for the petitioner further submitted that as a matter of fact some other identically situated persons, who had also been appointed between the years 1993-1999, have been regularized w.e.f. the years 2001-2007, whereas the petitioner, who had been serving since the year 1993 had been regularized w.e.f. a much later date i.e. with effect from 1.10.2009.
4. Notice of motion.
5. On asking of the Court, Mr. Inderpreet Singh Kang, AAG, Punjab, upon whom an advance copy of petition had already been served, accepts notice on behalf of the respondent-State.
6. Learned State counsel submitted that the case of petitioner qua the date of regularization shall be considered in accordance with law and that in case there are justifiable grounds to change the date, then needful shall be done expeditiously.
7. In view of the aforesaid position, the instant petition is disposed of with liberty to the petitioner to file a detailed representation to before respondent No.2 – The Director General of Police, Punjab, Police Headquarters, Sector – 9, Chandigarh with regard to his change of date of regularization. In case, any such representation is filed, respondent No.2 – The Director General of Police, Punjab, Police Headquarters, Sector – 9, Chandigarh shall consider and dispose of the same expeditiously in accordance with law while also

considering the contention of the petitioner as regards disparity inasmuch as the petitioner contends that some other identically situated persons have been regularized from a much earlier date.

8. A copy of this order be sent to respondent No.2 – Director General of Police, Punjab, Police Headquarters, Sector – 9, Chandigarh for necessary compliance.

23.8.2023
pankaj

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned	Yes / No
Whether Reportable	Yes / No