

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

LPA-1475-2023 (O&M)
Date of decision:16.10.2023

State of Haryana and others

....Appellants

V/s.

Brijbir Singh and another

....Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI,
THE ACTING CHIEF JUSTICE
HON'BLE MRS. JUSTICE MANISHA BATRAPresent: Mr. Deepak Balyan, Additional Advocate General, Haryana
for the appellants.

Ritu Bahri, The Acting Chief Justice

CM-3768-LPA-2023

In view of the averments mentioned in the application, the same is allowed and the delay of 7 days in filing the appeal is condoned.

CM-3765-LPA-2023

In view of the averments mentioned in the application, the same is allowed and the delay of 362 days in re-filing the appeal is condoned.

LPA-1475-2023 (O&M)

The State of Haryana has come up in appeal against the judgment dated 01.08.2022 passed by the learned Single Judge in *CWP No. 520 of 2000* titled as *Brijbir Singh and another vs. State of Haryana and others*.

2. The brief facts of the case are that the respondent No. 1/petitioner No. 1 (hereinafter referred to as respondent No. 1) was initially appointed on adhoc basis on 01.02.1990 and worked upto 29.10.1992 as S.S.

Master and respondent No. 2/petitioner No. 2 (hereinafter referred to as

respondent No. 2) was initially appointed on adhoc basis as S.S. Master on 15.02.1990 and worked upto 23.10.1992. Thereafter, they were re-appointed on adhoc basis on 01.09.1994 and 13.01.1995 respectively and had been continuously working on adhoc basis. The Haryana Government took a decision that all the adhoc employees who had completed two years service as on 31.01.1996 were entitled for regularization vide policy decision (Annexure P-3). The respondents No. 1 and 2 applied for regularization but their cases were rejected vide orders dated 07.10.1999 and 10.02.1999 (Annexures P-4 and P-5 respectively).

3. Learned counsel for the State is not disputing the fact that the respondent No. 1 and respondent No. 2 were again appointed on adhoc basis on 01.09.1994 and 13.01.1995 respectively and had worked continuously since then. As per the regularization policy dated 31.01.1996 (Annexure P-3), all the adhoc employees who had completed two years service as on 31.01.1996 were entitled for regularization. The only condition that they did not satisfy, was that prior to 31.01.1996, they did not have continuous two years experience. However, in the present case, respondent No. 1 was initially appointed on adhoc basis on 01.02.1990 to 29.10.1992 and respondent No. 2 was initially appointed on adhoc basis on 15.02.1990 to 29.10.1992 which is almost one year and eight months. The said period of one year and eight months of each of the respondents had been taken into account as per the policy dated 31.01.1996 (Annexure P-3) for the purpose of calculating two years service. The only ground for not granting them benefit of service was that there is a break of more than 30 days in the service as they both were re-appointed on adhoc basis on 01.09.1994 and 13.01.1995. From 01.09.1994 till 31.01.1996, the respondent No. 1 had

experience of one year and four months and respondent No. 2 had experience of one year (13.01.1995 till 30.01.1996). The break in the service cannot be made basis for declining them the benefit of regularization as after they were re-inducted in service on 01.09.1994 and 13.01.1995 respectively, they had been continuously working till the filing of the writ petition in the year 2000 which was decided on 01.08.2022. They had given maximum part of their lives to serve the Department.

4. Keeping in view the above observation, no ground to interfere in the order dated 01.08.2022 is made out.

5. Letters Patent Appeal is dismissed. Pending civil application, if any, stands disposed of.

(RITU BAHRI)
ACTING CHIEF JUSTICE

16.10.2023
Divyanshi

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No