

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(214)

CWP No. 11290 of 2018 (O&M)

Date of Decision : 09.10.2023

Parkash Chand and others

...Petitioners

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Balwinder Singh, Advocate for the petitioners.

Mr. Saurabh Mohunta, Deputy Advocate General, Haryana.

Harsimran Singh Sethi J. (Oral)

The present petition has been filed by the petitioners claiming the benefit of regularization of their services.

As per the facts mentioned in the petition, the petitioners were appointed in service starting from the year 1994 onward till 1996 and as per the petitioners, their claim of regularization was to be considered under the Instructions issued by the Govt. of Haryana on 07.03.1996 but as the petitioners did not have three years of services to their credit, their services were not regularized.

Again, the respondents issued Instructions on 01.10.2003, according to which, an employee having three years of service with 240 days in each working year, were entitled for regularization but the claim of the petitioners for regularization was not considered. In the year 2011 again the respondents issued a regularization policy qua the daily wage/part time/ ad-hoc/contract workers working with the respondent-

State but even under the said Policy also, the claim of the petitioners was not considered.

Learned counsel for the petitioners argues that the respondents were under an obligation to grant the consideration of their claim under the Policies concerned as similarly situated employees and juniors to them have already been granted the benefit of the regularization policies mentioned hereinbefore, whereas the petitioners, who are working with the respondents for the last more than two decades, have not been given the said benefit.

Learned counsel for the respondents, on the other hand, submits that the petitioners were working with the Department but not from the date being alleged by the petitioners and the claim of the petitioners have been considered but not found entitled for the benefit.

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

Once, an employee is working for the last two decades, he/she has a right to be considered under the regularization policy, which has been issued by the State. It is a conceded position that after the appointment of the petitioners, two regularization policies, one in the year 2003 and another in the year 2011 have been formulated by the respondents. That being so, the respondents were under obligation to consider the claim of the petitioners under the said policies as to whether or not, keeping in view the terms and conditions of the policies

promulgated by the respondents, the petitioners are entitled for the benefit of regularization.

Though, it has been stated by the learned State counsel that the claim of the petitioners has been considered but no document showing the said consideration has been brought to the notice of this Court, hence, the present petition is disposed of with a direction to the respondents to consider the claim of the petitioners for regularization firstly under the Policy of Government of Haryana dated 01.10.2003 and in case, petitioners are found entitled for the said benefit, the same should be granted to them and if not found entitled for the benefit under the Policy dated 01.10.2003, detailed reasons should be mentioned.

In case, the petitioners are not found entitled for the benefit under the Policy dated 01.10.2003 then the claim of the petitioners should be considered under the Policy issued in the year 2011 and in case, any benefit is admissible to the petitioners under the Policy dated 01.10.2003, the same be granted to them, failing which, the detailed order be passed mentioning the reasons so that the petitioners can avail appropriate remedy, in case they are aggrieved.

Petition is disposed of in above terms.

CM-18584-CWP-2021 and CM-19008-CWP-2018

As the main petition has been disposed of, the present applications stand disposed of.

October 09, 2023

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(HARSIMRAN SINGH SETHI)

JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No