



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Sr. No.202

CWP No.11190 of 2000 (O&M)
Date of Decision: 16.12.2024

Ranbir Singh

.... Petitioner

Versus

The State of Haryana and others

... Respondents

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

Present: Mr. Ravi Verma, Advocate for the petitioner.

Ms. Tanushree Gupta, DAG, Haryana.

TRIBHUVAN DAHIYA, J. (ORAL)

The petition has been filed *inter alia* seeking a writ of *certiorari* quashing the order dated 12.07.2000, Annexure P-6, whereby the petitioner's case for regularisation in service as Science Master has been rejected on account of the break in his service being more than one month. Further, a writ of *mandamus* has been sought directing the respondents to regularise him with effect from 01.01.1980 in terms of Policy, dated 01.07.1980, Annexure P-2.

2. Facts of the case in brief are, the petitioner was appointed as Science Master in the respondent Department on *ad hoc* basis, and worked as such from 13.09.1977 to 11.03.1978; after a gap of two days, he was again appointed as such on 14.03.1978 and served up to 18.07.1978. Again, after a gap of about forty-two days, he was appointed on the same post on 01.09.1978 and continued working. Later, he was regularised in terms of the applicable government policy with effect from 16.09.1982. The petitioner



claimed regularisation on the strength of Policy, dated 01.07.1980, stipulating that those *adhoc* employees who had completed minimum two years service with or without break up to 31.12.1979, and were in service on that day, were required to be considered for regularisation. The Department, however, vide the impugned order dated 12.07.2000, rejected his case on the ground that there was more than one month's break in his *adhoc* service prior to 31.12.1979.

3. In this factual background, learned counsel for the petitioner contends that the rejection of the petitioner's case for regularisation with effect from 01.01.1980 is not sustainable as the Policy does not require continuous service for minimum two years up to 31.12.1979. And in the absence of such a requirement there was no basis for the respondents to reject his case.

4. *Per contra*, learned State counsel has contended that the regularisation has been rightly denied to the petitioner since the long gap of forty-two days could not have been ignored, and there was no provision in the Policy for condonation of the break period. She, however, does not dispute the duration of *adhoc* service rendered by the petitioner, as aforementioned.

5. Heard.

6. It is apparent on record that the petitioner was engaged by the Department as *adhoc* Science Master for the first time on 13.09.1977, and continued working till 11.03.1978. He was again engaged on 14.03.1978, and worked as such till 18.07.1978. After a short gap of forty-two days, he was once again engaged on 01.09.1978 and continued as such till regularisation, i.e., 16.09.1982. No doubt, there had been a break of two days and forty-two days in the two spells of *adhoc* service rendered by the petitioner, but the same was not on account of any lapse on his part. Also, a

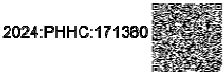


perusal of the Policy, dated 01.07.1980, makes it apparent that to be eligible for regularisation an employee should have minimum of two years service up to 31.12.1979 with or without break. The relevant conditions of the Policy read as under:

- a) For computing two years adhoc service for regularisation the period from 1.11.66 to 31.12.79 is to be taken into consideration only those adhoc teacher/masters/mistresses are to be regularised who have completed a minimum of two years service up to 31.12.79 during the said period with or without break.
- b) Only such adhoc teacher/master/mistress are to be regularised who were in position on 31.12.79.

7. Thus, in the face of clear stipulation in the Policy that the *adhoc* service rendered by an employee prior to 31.12.1979 *with or without break* is to be computed for regularisation, there was no occasion to reject the petitioner's case on account of the breaks, as aforementioned. It only shows the Department has blatantly violated its own Policy in denying regularisation to him by passing the impugned order, which accordingly is not sustainable.

8. For the reasons recorded above, the petition is allowed and the impugned order, dated 12.07.2000, is set aside. The respondents are directed to consider and regularise the petitioner in service in terms of Policy, dated 01.07.1980, with effect from 01.01.1980. He shall be entitled to all consequential benefits pursuant to regularisation; however, arrears of salary shall be paid only for thirty-eight months prior to filing of the petition. All due benefits shall be released to him with interest at the rate of six per cent per annum from the due date to actual payment. The directions are to be carried out within four weeks of receiving a certified copy of this order.



9. Pending miscellaneous application(s), if any, stand(s) disposed of as having been rendered infructuous.

(TRIBHUVAN DAHIYA)
JUDGE

16.12.2024
Maninder

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No