



CWP-10004-2001

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379 **IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CWP-10004-2001

Date of decision: 15.05.2024

SIMARJIT SINGH

...PETITIONER

VERSUS

STATE OF PUNJAB AND ORS.

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present: Mr. R.S.Manhas, Advocate for the petitioner.

Ms. Arundhati Kulshreshtha, AAG, Punjab.

Mr. Sukhjit Singh, Advocate for respondent No.3.

NAMIT KUMAR, J. (ORAL)

1. The instant petition has been filed by the petitioner under Articles 226/227 of the Constitution of India for issuance of a writ of mandamus for directing the respondents to regularize the services of the petitioner w.e.f. 25.11.1991 instead of 24.09.1998 in accordance with the policy dated 31.10.1993.

2. On the last date of hearing i.e. 09.05.2024, the following order was passed:-

"The case set up by the petitioner in the present petition is that as per the policy dated 29.12.1993 (Annexure P-3), he is entitled to be regularized on completion of 240 days service and consequently his date of regularization be ante dated from 24.09.1998 to the date when he has completed 240 days of service.

Learned counsel for the respondent submits that the aforesaid policy is meant only for Class-IV employees and since the petitioner has been working against Class-III post, therefore, the aforesaid policy is not applicable.

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Faced with this situation, learned counsel for the petitioner seeks time to get instructions from the petitioner.

On his request, adjourned to 14.05.2024."

3. Learned counsel for the petitioner submits that since the case of the petitioner for regularization was sent in terms of instructions dated 29.12.1993 (Annexure P-3), therefore, he is entitled to be regularized on completion of 240 days of service counting from his initial date of appointment and therefore, his date of regularization is required to be ante dated from 24.09.1998 to 25.11.1991.

4. I have considered the submissions made by the learned counsel for the petitioner. However, this Court is not inclined to accept the same as the said instructions dated 29.12.1993 (Annexure P-3) are only meant for Class-IV employees, consequently, the date of regularization of the petitioner cannot be ante dated.

5. In view of the above, the instant petition is disposed of.

15.05.2024

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(NAMIT KUMAR)
JUDGE

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