

2024:PHHC:147397



IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

207

CWP-14271-2000 (O & M)
Date of decision: 12.11.2024

Ved Parkash and Ors.Petitioners

Versus

State of Haryana and others ...Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. N.R.Dahiya, Advocate, for the petitioners.

Ms. Tanisha Peshawaria, DAG, Haryana.

AMAN CHAUDHARY, J. (ORAL)

1. Prayer made in the present petition is for quashing the impugned order to the extent of regularizing services of the petitioners w.e.f. 01.06.1998, 01.07.1998, 01.12.1998, instead of from the due date i.e. 12.05.1996 in terms of the policy dated 28.07.1994.
2. Learned counsel for the petitioners submits that the case of similarly circumstanced employees had also been considered by this Court in **Ram Phal and others Vs. State of Haryana and others**, CWP-5257-1999, and allowed on 07.12.1999, which applies to the petitioners on all fours, a relevant extract of the same reads thus:

“In the instant case petitioners 1 and 2 completed two years of service on 14.6.1995 whereas petitioner No. 3 completed two years service on 24.6.1995. A bare perusal of Annexure Pl will go to show that it was not the intention of the authorities that the employees should complete two years of service on contractual basis on or before the date of the letter of the policy i.e. 28.7.1994. The only requirement for regularization of the service was two folds (1) an employee should complete two years

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service on contractual basis; and (2) there should be a vacancy for regularizing his services. In the absence of any specific stipulation in this regard that the completion of two years of service should be of a particular date i.e. 28.7.1994, it cannot reasonably be concluded or inferred that the intention of the respondents was that such employees also the should necessarily complete Drivers/Conductors two years of service on or before the date of issuance of the policy decision i.e. 28.7.1994.

In this view of the matter, since the petitioners completed two years service prior to the withdrawal of these instructions, which took place on 17.11.1995, and also keeping in view the fact that it is not the case of the respondents that vacancies were not available for the petitioners for regularization, we find considerable merit in the contention of the learned counsel for the petitioners and, accordingly, allow the writ petition and direct the respondents. to regularize the services of the petitioners with effect from the date they completed two years service on contractual basis which in the case of the petitioners 1 and 2 was on 14.6.1995 and with reference to petitioner No. 3 was 24.6.1995. The respondents consequential shall all release consequential services benefits to the petitioners.”

3. The grounds raised in the written statement in the present case being the same as were taken by the State in aforesaid, as such, learned State counsel despite her best efforts has not been able to controvert the factual position and draw out any distinctive aspects in the aforementioned judgment or cite any contrary law.
4. In view of the aforesaid, the present petition is disposed of in terms of the judgment rendered in **Ram Phal (supra)**.

12.11.2024

parveen kumar

(AMAN CHAUDHARY)
JUDGE

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