



CM-8168-CWP-2024 & -1-
CM-8169-CWP-2024 in/&
CWP-2359-2001 (O&M)

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CM-8168-CWP-2024 &
CM-8169-CWP-2024 in/&
CWP-2359-2001 (O&M)
Date of Decision :20.05.2024

Anil Kumar and others

...Petitioners

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Krishan M. Vohra, Advocate for petitioners No.1,2 and 4.

Mr. Daman Dhir, Advocate for petitioner No.3.

Mr. Harish Nain, AAG, Haryana.
(keeping in view advance copy served.)

* * *

Harsimran Singh Sethi, J. (Oral)

CM-8168-CWP-2024

Present application has been filed for condonation of delay of 97 days in filing the application for recalling the order dated 05.01.2024 passed by this Court.

Keeping in view the averments made in the application, which are duly supported by an affidavit, the application is allowed. Delay of 97 days in filing the application for recalling the order dated 05.01.2024 passed by this Court is condoned.



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CM-8169-CWP-2024

Present application has been filed for recalling the order dated 05.01.2024 passed by this Court by which, the main writ petition was dismissed for non-prosecution.

Keeping in view the averments made in the application, which are duly supported by an affidavit, application is allowed. Order dated 05.01.2024 passed by this Court is recalled and the main writ petition is ordered to be restored to its original number and status and is taken up for hearing today itself.

CWP-2359-2001

In the present petition, grievance of the petitioners is that the petitioners are entitled for the grant of the benefit of regularization of services from the year 1994 or in the alternative from any other appropriate date, keeping in view the facts and circumstances of the present case.

It may be noticed that during the pendency of the petition, services of the petitioners have already been regularized w.e.f. 01.10.2003 as the petitioners themselves had prayed that their services be regularized either from March, 1994 or any other alternative date, once, the services of the petitioners have been regularized from 01.10.2003, claim of the petitioners stands satisfied.

Learned counsel for the petitioners submits that once the petitioners were appointed in the year 1994, they are entitled for the grant of benefit of regularization of their service on completion of 240 days.

It may be noticed that the petitioners raised the said grievance



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only in the year 2001. Further, it has not been shown that even as per the 1994 Instructions, the petitioners were eligible to regularized in service.

Further, as per the judgment of the Division Bench of this Court in LPA No.1662-2015 titled as **Sukhbir Singh and others vs. State of Haryana and others, decided on 31.08.2016,** any claim raised for regularization of service after a substantial period of issuance of the regularization policy cannot be entertained. Relevant paragraphs of the judgment are as under:-

7. The fact that the appellants took no steps to claim the benefit of Government policy of 1979 for over 12 years is not in dispute. They cannot take the benefit of Jaimal Singh's case (supra) as the writ petitioners in that case had approached this Court in the year 1998 while the appellants remained fence-sitters. Even as per Jaimal Singh's case, there was no cutoff date for the purpose of regularization of services. Much was to depend upon as to how many posts were sanctioned in a depot. All the writ petitioners of that case were not made regular w.e.f. 01.04.1987.

8. Assuming that the appellants are similarly placed yet they lost their right as neither such claim was put up before the competent authority nor they approached any other forum within a reasonable period. In this view of the matter, the rejection of their claim by learned Single Judge on the ground of delay and laches calls for no interference by this Court.”

Learned counsel for the petitioners has also not been able to dispute the said settled principle of law.

Keeping in view the above, as the services of the petitioners have already been regularized w.e.f. 01.10.2003, no further orders are



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required to be passed in the present petition and the same is accordingly disposed of.

Civil miscellaneous application pending if any, is also dismissed.

May 20, 2024
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(HARSIMRAN SINGH SETHI)
JUDGE

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