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AT CHANDIGARH

**CM-2269-CWP-2024 in/and
CWP-5287-2004**

Date of Decision : November 29, 2024

.. Petitioner

Versus

.. Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Ashish Grover, Advocate and
Mr. Archit Grover, Advocate, for non-applicant/petitioner.

Mr. Charan Preet Singh, Assistant Advocate General, Punjab,
for the applicant/respondent-State.

HARSIMRAN SINGH SETHI J. (ORAL)

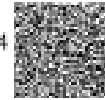
CM-2269-CWP-2024

Present application has been filed by the State for fixing the main writ petition at an early actual date.

Notice of the application has already been issued to the
opposite counsel.

Learned counsel for the non-applicant/petitioner raises no objection for the grant of prayer as raised in the present application.

Keeping in view the averments made in the application, which are duly supported by an affidavit, the application is allowed. On the joint request of learned counsel for the parties, the main writ petition is taken up for hearing today itself.



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1. Learned counsel for the petitioner argues that the petitioner was appointed on a Class IV post in the year 1999 but vide impugned order dated 18.03.2004 (Annexure P-8), his services were sought to be terminated whereas, the petitioner was entitled for regularization of his services.
2. Learned counsel for the petitioner submits that while issuing notice of motion, the operation of the impugned order was stayed and the petitioner is still continuing in service and has more than two and half decades of service to his credit as of now.
3. Learned counsel for the petitioner further submits that keeping in view the said fact, the petitioner is entitled for regularization of his services keeping in view the judgment of this Court in ***CWP No.26714 of 2019 titled as Hira Devi and others vs. State of Punjab and others, decided on 19.07.2024*** and the respondents are liable to be directed to consider the claim of the petitioner for regularization of his services in terms of the said judgment.
4. Learned counsel for the respondents submits that the petitioner only continued under the orders of the Court and at the time of the passing of the order, he was only having five years of service to his credit hence, continuing in service under the order of the Court for approximately 20 years, should not give them the benefit of claiming regularization.
5. I have heard learned counsel for the parties and have gone through the record with their able assistance.



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6. Once, under the interim orders of the Court, the petitioner has already rendered more than 25 years of service, thrown him out at this stage will serve too much hardship.
7. Further, the petitioner is working on class IV post and nothing has come on record that the work being performed by the petitioner does not exist especially when the petitioner is discharging the duties for the last 25 years on the said post.
8. Keeping in view the above, the respondents are directed not to give effect to the order terminating the services of the petitioner any further and keeping in view the direction given by this Court in ***Hira Devi's case (supra)***, the claim of the petitioner for regularization of his services should also be considered and appropriate order be passed keeping in view the directions given therein.
9. The present writ petition is disposed of in above terms.

November 29, 2024
harsha

(HARSIMRAN SINGH SETHI)
JUDGE

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