



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

660

CWP-18249 of 2005
Date of Decision:16.09.2024

Rajesh Kumar

....Petitioner(s)

Versus

State of Haryana and others

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present: None for the petitioner.

Mr. Tapan Kumar, DAG, Haryana

AMAN CHAUDHARY, J. (Oral)

1. Prayer made in the present petition is for quashing of the Instructions dated 10.02.2004, Annexure P-3, to the extent it decided that only Group C & D daily wagers will be regularized, who had joined before 31.01.1996 and reliance was placed in the index to pendency of CWP No. 17539 of 2005, titled as **Dharampal vs. State of Haryana**, which was dismissed by the Division Bench vide judgment dated 09.05.2006 in terms of judgments in CWP No.7563 of 2005, titled **Rajinder Kumar vs. State of Haryana and others**, decided on 25.04.2006 as well as **Secretary, State of Karnataka and others v. Umadevi and others**, JT 2006 (4) S.C. 420. The operative portion of **Rajinder Kumar's case** (supra) reads thus:-

“We would be failing in our constitutional obligations in case we do not reiterated the directions of the Hon’ble Supreme Court in *Umadevi’s case*. Giving a respite to the irregular appointments (no illegal appointments) of duly qualified persons in duly sanctioned vacant posts which might have already been made and the employees having continued to work for 10 years or more with the intervention of the orders of the Court or Tribunals. The question of regular appointment of such employees may have to be considered on merits in the light of the principles settled by the Hon’ble Supreme court in *Umadevi’s case* (supra). The directions issued in para 53 of the judgment are that the State Government and their instrumentalities may take steps to regularize the services of such irregularly appointed persons who have worked for 10 years or more in duly sanctioned posts. It has further been directed by the Supreme Court that the process of regular recruitment be undertaken to fill up those sanctioned posts where temporary or daily wagers are being now employed. The process must be set in motion within six months from the date of judgment, which is 10.04.2006, in *Umadevi’s case* (supra). Accordingly, we direct the respondent-State of Haryana to ensure that process of regular recruitments are undertaken to fill up those vacant sanctioned posts where temporary employees or daily wagers are being now employed. It is further directed that the State of Haryana and its instrumentalities shall take steps to regularize as one time measure the services of such employees who have been appointed regularly in accordance with the mandate of the Supreme Court in para 53 read with para 15 of the judgment. The respondent-State is further directed to grant exemption to the employees who are working on ad hoc basis in relaxation of the rules when recruitment on permanent posts is to be made.

For the reasons mentioned above, we dismiss these petitions. However, we once again made it clear that the orders of regularization which have already been issued before the judgment of the Hon’ble Supreme Court in *Umadevi’s case* (supra) would

remain intact and cannot be reopened, as has been laid down in para 53 of the judgement of the Constitution Bench, which has been extracted above.”

2. In view of the above, the present petition is dismissed.

(AMAN CHAUDHARY)
JUDGE

September 16, 2024
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Whether speaking	:	Yes/No
Whether reportable	:	Yes/No