



CMs-8246 & 8247-CWP-2024 in/&
CWP-12852-2019 (O&M) -1-

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

105 CMs-8246 & 8247-CWP-2024 in/&
CWP-12852-2019 (O&M)
Date of Decision :16.05.2024

Raj Kumar ...Petitioner

Versus

State of Haryana and othersRespondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Rajesh K. Kataria, Advocate for
Mr. Ravinder Bangar, Advocate for the petitioner.

Mr. Harish Nain, AAG, Haryana.

* * *

Harsimran Singh Sethi, J. (Oral)

CM-8247-CWP-2024

As prayed for, application is allowed.

CM-8246-CWP-2024

Present application has been filed for listing the main writ
petition, which was adjourned sine die to await the decision of the Hon'ble
Supreme Court of India in SLP-4531-2023 titled as State of Haryana and
others vs. Balwinder Singh and others.

Notice of the application to the counsel opposite.

Mr. Harish Nain, AAG, Haryana accepts notice on behalf of the

respondent-State and raises no objection for the grant of prayer as made in



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the present application.

Keeping in view the averments made in the application, which are duly supported by an affidavit, application is allowed. Main writ petition is taken up for hearing today itself.

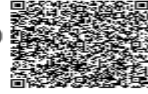
CWP-12852-2019

Present petition has been filed by the petitioner claiming the benefit of regularization of his services under the regularization policy dated 01.10.2003 as well as dated 20.06.2014 issued by the respondents.

Learned counsel for the respondents submits that as per the admitted case of the petitioner as mentioned in para-5 of the present petition, the petitioner is working through Contractor and not through the respondent-State and there is no master and servant relationship between the petitioner and respondent-department so as to claim the benefit of regularization of service.

Learned counsel for the respondents further submits that nothing has come on record that the petitioner was ever appointed prior to year 2003 and even otherwise, regularization policy dated 20.06.2014 under which regularization policy, the petitioner is seeking benefit of regularization of his services, has already been set aside by this Court while passing order in ***CWP No.17206 of 2014 titled as Yogesh Tyagi and another vs. State of Haryana and others, decided on 31.05.2018.***

I have heard learned counsel for the parties and have gone through the record with their able assistance.



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In order to claim benefit of regularization of service under the regularization policy, an employee should be working under the State. It is a conceded fact that the petitioner is not working under the State but is working through the Contractor. It is also a conceded fact that the petitioner is paid through the Contractor and not through the Government.

That being the conceded position, regularization policy dated 01.10.2003 will not be applicable upon the petitioner.

With regard to the policy dated 18.06.2014 under which regularization policy, the petitioner is seeking benefit of regularization of his services, the same has already been set aside by this Court while passing order in ***Yogesh Tyagi (supra) hence***, no benefit of the said regularization policy can be extended to the petitioner.

Keeping in view the above, no ground for interference by this Court is made out and the writ petition is accordingly dismissed. However, merely that the claim of the petitioner for the grant of benefit of regularization of his services has been declined by this Court, the respondents should not terminate the services of the petitioner and he should be allowed to continue in service till the work of the post on which he is working exists.

May 16, 2024
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(HARSIMRAN SINGH SETHI)
JUDGE

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