



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CWP-16407-2021 (O&M)
Decided on :06.05.2024

ISHWAR SINGH

. .petitioner

Versus

STATE OF HARYANA & OTHERS

. . . Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

PRESENT: Mr. S. K. Daaria, Advocate for the petitioner.

Mr. Pankaj Middha, Additional Advocate General, Haryana.

HARSIMRAN SINGH SETHI, J. (Oral)

1. In the present petition, the challenge is to the instructions dated 21.12.2018 (Annexure P-8) vide which, the arrears of back wages of the petitioner has been restricted upto 38 months prior to the date of his actual regularization in service.

2. Learned counsel for the respondents submits that once, the regularization policy has been framed, it is within the jurisdiction of the department concerned as to whether, the full arrears are to be given or the arrears can be restricted.

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

4. In the present case, the petitioner has filed the present petition



after his retirement. The services of the petitioner had already been regularized by the respondents w.e.f. 01.10.2003 and the petitioner has already retired from service. Further, the department is well within its jurisdiction, keeping in view the facts involved so as to laid down particular conditions while granting the benefit of ante dated regularization.

5. In the present case, once, the benefit of arrears of back wages has been restricted for a period of 38 months, the same cannot be treated as arbitrary and illegal.

6. Even otherwise, the benefit of regularization under the policy dated 2003 was claimed by the petitioner at a much later stage. Though, the said benefit has been extended but the delay in approaching the Court has been compensated only by restricting the arrears for the period of 38 months, which act on the part of the respondents cannot be treated as arbitrary and illegal.

7. Even otherwise, once, the benefit of arrears for the period of 38 months was to be granted under the regularization policy itself, and the petitioner is claiming the benefit of the regularization under the 2003 policy, imposing the embargo of arrears for a period of 38 months has also to be accepted by the petitioner as the same has been incorporated as per the 2003 policy keeping in view the financial liability which the State has to incur and clause has been incorporated after due consideration, which need not to be interfered at the asking of the petitioner. Even, as per the decision dated 21.12.2018 (Annexure R-1) only the arrears admissible for the period of 38 months can be granted. There is no challenge to the said decision dated 21.12.2018 (Annexure R-1), hence, the petitioner cannot raise any grievance in this regard.



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8. No valid reason has come forward to grant the full arrears to the petitioner upon ante dated regularization of the petitioner, hence, keeping in view the above facts and circumstances recorded herein above, no ground is made out for any interference by this Court in the present petition, hence, the present petition stands dismissed.

9. Pending civil miscellaneous application, if any, stands disposed of.

(HARSIMRAN SINGH SETHI)
JUDGE

06.05.2024

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Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No