



**CM-8968-CWP-2024 and
CM-9006-CWP-2024 in/and
CWP-13054-2015** 1

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

(104) **CM-8968-CWP-2024 and
CM-9006-CWP-2024 in/and
CWP-13054-2015
Date of Decision : May 28, 2024**

Rameshwar Dass Bhardwaj .. Petitioner

Versus

State of Haryana and others .. Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Ms. Jaishree Kaushik, Advocate, for
Mr. Ajay Chaudhary, Advocate, for the petitioner.

Mr. Harish Nain, Assistant Advocate General, Haryana.

HARSIMRAN SINGH SETHI J. (ORAL)

CM-8968-CWP-2024 and CM-9006-CWP-2024

Present applications have been filed for fixing the actual date of hearing of the main writ petition and for disposal of the main writ petition in terms of the order passed by this Court in ***CWP No.2158 of 2020*** titled as ***Ashish Sharma and others vs. State of Haryana and others***, decided on 13.03.2024

Notice of the applications has already been issued.

Learned counsel for the respondents raises no objection for the grant of prayer as raised in the present applications.



**CM-8968-CWP-2024 and
CM-9006-CWP-2024 in/and
CWP-13054-2015**

2

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

CWP-13054-2015

1. In the present writ petition, the petitioner is claiming the benefit of regularization of service under the policy dated 01.10.2003.
2. As per the averments made in the petition, the petitioner was appointed as daily wager Labourer-cum-Mali in the year 1988. While in service, the Union to which the petitioner belonged, raised an industrial dispute as to whether, the employees who have completed five years of service as on 01.04.1993 are entitled for regularization of their services. The Labour Court allowed the said claim and directed the State to regularize the services of the petitioner. Against the said Award, the State filed a writ petition being CWP No.15652 of 2006 which was allowed on 20.10.2008 and the Award was set aside and the said judgment of this Court was upheld by the Hon'ble Supreme Court of India.
3. Learned counsel for the petitioner submits that during the pendency when the writ petition filed by the State was pending, the State issued another policy for regularization of services of the employees dated 01.10.2003 and under the said policy, the petitioner also fulfilled the requisite of three years service and having completed 240 days in those three years hence, the petitioner was entitled for regularization of his



**CM-8968-CWP-2024 and
CM-9006-CWP-2024 in/and
CWP-13054-2015** 3

services under the policy dated 01.10.2003 which was issued by the Government of Haryana.

4. Learned counsel for the petitioner further submits that ten junior employees, who were also similarly situated, their services have been regularized as per the policy dated 01.10.2003 hence, the petitioner is also entitled for consideration of his claim for regularization of his service under the policy dated 01.10.2003.

5. Learned State counsel, on the other hand, submits that once the claim of the petitioner is not found admissible qua the regularization, upto the Hon'ble Supreme Court of India, the petitioner cannot claim regularization of his service in the present petition hence, on this ground alone, the prayer of the petitioner for the grant of regularization under the policy dated 01.10.2003 is liable to be rejected.

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

7. It may be noticed that the order passed by the Labour Court for regularizing the services of the petitioner were not under the policy issued by the State but was raised by the Union on behalf of the workers wherein, the benefit of regularization was held to be not maintainable but when the State Government has issued a policy of regularization of services of the employees who had three years service as on 01.10.2003 and had completed 240 days in three years period, they are entitled for the grant of said benefit as similarly situated employees have been considered for the grant of the



**CM-8968-CWP-2024 and
CM-9006-CWP-2024 in/and
CWP-13054-2015** 4

said benefit and have been allowed the benefit in question, it cannot be said that the petitioner is not to be considered for regularization of his service even qua the policy which was issued on 01.10.2003. The claim of the petitioner in the present petition is entirely different, as compared to the claim in CWP No.15652 of 2006 hence, the said judgment will not come in the way of the petitioner to claim the benefit of regularization of his services under the policy dated 01.10.2003 in case he fulfills all the requisite.

8. Even otherwise, the said question has already been decided by this Court while passing order in ***CWP No.2158 of 2020 titled as Ashish Sharma and others vs. State of Haryana and others, decided on 13.03.2024.***

9. Keeping in view the above, a direction is issued to the respondents to consider the claim of the petitioner for regularization of his services under the policy dated 01.10.2003 keeping in view the terms and conditions mentioned in ***Ashish Sharma's case (supra).***

10. The present writ petition is disposed of in above terms.

May 28, 2024
harsha

(HARSIMRAN SINGH SETHI)
JUDGE

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