

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

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CWP-1185-2018

Date of Decision :01.02.2024

Surinder Kumar**...Petitioner****Versus****State of Haryana and others****....Respondents****CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI**

Present: Mr. Shivam Bansal, Advocate for
Mr. Anil Mehta, Advocate for the petitioner.

Mr. Saurabh Mohunta, DAG, Haryana.

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Harsimran Singh Sethi, J. (Oral)

1. In the present petition, challenge is to order dated 28.11.2013 (Annexure P/12) by which, services of the petitioner were terminated by the respondents after rendering 13 years of service on the post of Chowkidar-cum-Safai Sewak.

2. Learned counsel for the petitioner submits that while working on the post of Chowkidar-cum-Safai Sewak, petitioner raised a claim for regularization of his services under the policy which was issued by the respondent-department in the year 2011 but rather than considering his claim for regularization of his services under the policy dated 03.08.2011, services of the petitioner were terminated by the respondents, which action has been challenged in the present petition.

3. Learned counsel for the respondents submits that though the petitioner is working since 1989 but as the services of the post of

Chowkidar-cum-Safai Sewak were not required any more, by an innocuous order, his services were terminated and since September, 2016, one Ganesh is working on the said post on deputation basis.

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

5. Keeping in view the fact that the petitioner had rendered 24 years service with the respondent, it became the duty of the respondents to consider the claim of the petitioner for regularization of his services under the policy dated 03.08.2011. Nothing has come on record that claim of the petitioner was considered for regularisation under the policy issued in the year 2011 especially when the petitioner was in service on the said date and had rendered approximately 22 years of service. Not only this, even the action of the respondents terminating the services of petitioner on the ground that services of the post of Chowkidar-cum-Safai Sewak were not required any more cannot be believed keeping in view averment made in the written statement as it has been conceded that since September, 2016 one Ganesh is discharging the duties of the said post. From the said fact, it can be very well assumed that services of the post of Chowkidar-cum-Safai Sewak were required but still the services of the petitioner were terminated by the respondents on the ground that those are not required.

6. Keeping in view the fact that the petitioner is not in service for the last 11 years, it is not feasible to put him back in service immediately without considering his claim for regularization of his service under the policy dated 03.08.2011.

7. Let the respondents consider the claim of the petitioner for regularization of services under the policy dated 03.08.20211 and in case

keeping in view the services which the petitioner had rendered with the respondent-department upto the cut of date as mentioned in the policy dated 03.08.2011, petitioner is found entitled for regularization of his services, an appropriate speaking order be passed by the respondents within a period of 08 weeks from the date of receipt of copy of this order and in case claim of the petitioner is not covered under the regularization policy dated 03.08.2011, due reasons be given in the said speaking order and the said order be also conveyed to the petitioner.

8. Present petition stands allowed in above terms.

February 01, 2024
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(HARSIMRAN SINGH SETHI)
JUDGE

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