



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(224)

CWP No. 18412 of 2015 (O&M)
Date of Decision : 06.08.2024

Rajesh Kumar and others

...Petitioners

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Ms. Alka Chatrath, Advocate with
Mr. Nikhil Singh, Advocate for the petitioners.

Mr. Satnam Preet Singh, Deputy Advocate General, Punjab.

Harsimran Singh Sethi J. (Oral)

1. In the present petition, the grievance of the petitioners is that they are entitled for regularization of their services w.e.f. 01.04.2011 keeping in view the terms and conditions of the Policy under which their services were regularized, especially when the petitioners were appointed after due advertisement and against the regular sanctioned post.
2. Learned counsel for the petitioners submits that the similar issue came up for consideration before the Co-ordinate Bench and while deciding CWP No. 13820 of 2011 titled as ***Dharminder Singh Vs. State of Punjab and another***, decided on 13.03.2020, the same benefit as being claimed by the petitioner for regularization of his services w.e.f. 01.04.2011 instead of 30.06.2011 has already been accepted, therefore, petitioners are also entitled for the benefit as extended to the similarly situated employee in ***Dharminder Singh (supra)***.



3. Learned counsel for the respondents on the other hand submits that once the services of the petitioners were regularized from 30.06.2011 and the said order was accepted and now, after a period of four years, the petitioners have filed the present petition, it should be dismissed as, the petitioners, in pursuance to the regularization of their services w.e.f. 30.06.2011 joined the services on regular basis.

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

5. It is a conceded position that the services of the petitioners have been regularized under the Instructions dated 18.03.2011 (Annexure P-7). Under the said Instructions, it has been mentioned that the employees whose cases are covered for seeking regularization w.e.f. 01.04.2011 is only on completion of 03 years of service. The petitioners' services have been regularized keeping in view the fact that on 01.04.2011, the petitioners had completed three years of service.

6. Since, the petitioners have completed 03 years of service upto 01.04.2011, they are entitled for regularization of their services with effect from the said date. Nothing has come on record as to why, their services were regularized from 03.06.2011 instead of 01.04.2011, despite the fact that they completed 03 years minimum services required for regularization as on 01.04.2011, which was mentioned in the Regularization Policy.

7. Further the Co-ordinate Bench in *Dharminder Singh (supra)* has already granted the similar relief, which fact has gone un-controverted,



hence, petitioners are also held entitled for regularization of their services w.e.f. 01.04.2011 instead of 30.06.2011.

8. At this stage, learned counsel for the petitioners submits that the petitioners be given the increment from the date of their initial appointment of contract basis and not from 01.04.2011, when their services have been regularized.

9. It may be noticed that the said prayer cannot be accepted. Once, the increment is only admissible to a regular employee and the services of the petitioners have only been regularized w.e.f. 01.04.2011, the grant of increment for rendering one year service will also be admissible from the said date only. The ad-hoc service cannot be taken into account for the grant of increment as it will create anomaly, as the petitioners will start getting more salary with their seniors who might have joined immediately prior to 01.04.2011, hence, the prayer of the petitioners for the grant of increment qua the contractual service, upon regularization of their services is declined.

10. No other argument is raised.

11. Keeping in view the above, the present petition is allowed in terms of judgment passed by the Co-ordinate Bench in ***Dharminder Singh (supra)***.

12. Pending miscellaneous application, if any, also stands disposed of.

August 06, 2024
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No