

Sr.No.219 (2 cases)
CWP- 22005-2019 and connected case



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

1. CWP- 22005-2019
Date of Decision:29.10.2024

ANIL KUMAR AND OTHERS ...Petitioners

VERSUS

GOVT. OF PUNJAB THR. PRINCIPAL SECRETARY AND OTHERS

...Respondents

2. CWP-33826-2019

KANWAL PREET SINGH AND OTHERS ... Petitioners

vs

STATE OF PUNJAB AND OTHERS ... Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr.R.K. Malik, Sr. Advocate with
Mr. Sandeep Dhull, Advocate for the petitioners
in CWP-22005-2019.

Mr. Pawan Kumar Goklaney, Advocate and
Mr. Ashish Goklaney, Advocate
for the petitioners in CWP-33826-2019.

Mr. Satnam Preet Singh Chauhan, DAG, Punjab

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HARSIMRAN SINGH SETHI, J.(ORAL)

In the present petition, the grievance being raised by the petitioners is that though their services have been regularized with retrospective effect, but they have not been granted the regular pay scale from the date of regularization, which is causing prejudice and further, the experience with regard to the working on the post, is also not being taken from the date of regularization but from the actual date of passing of the order of regularization which is causing prejudice, hence, the prayer is to

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grant the petitioners the salary of the posts on regular basis with effect from the date the services of the petitioner have been regularized and also counting the experience from the date the services of the petitioners have been regularized.

Upon notice of motion, the respondents have filed the reply, wherein, the fact that the petitioners services have been regularized with retrospective effect has not been denied.

Learned counsel for the respondents-State submits that in the order, it has not been mentioned that the petitioners will be paid the regular pay scale from the date of regularization, hence, it should be deemed that the regularization with retrospective effect is on notional basis.

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

A bare perusal of the order dated 22.02.2013 (Annexure P-1) would show that the services of the petitioners have been regularized in a regular pay scale and the date of regularization has been mentioned therein keeping in view the initial date of joining. As per the order of the regularization of the service has been granted on completion of three years of service. The order of regularization has been passed on 22.02.2013 but the date of regularization has been mentioned as starting from the month of March 2012 & October 2012.

Once the services of the petitioners have been regularized with retrospective effect and the petitioners have worked on the said post, on retrospective regularization, keeping in view the order passed by the

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respondents, the petitioners are also entitled for the salary for the period from the date of regularization therefore, the benefit of regularization by State and experience being given from the date of passing of the order instead of date of regularisation of their service is incorrect.

Further, the claim of the petitioners is that their services is being treated starting from the date of passing of an order and not from the date of regularization. Once the date of regularization have been given in the order Annexure P-1, for all intends and purposes, the petitioners will be treated as a regular employee from the said date including grant of all benefits i.e. the increment, ACP etc. which benefits be extended to them forthwith.

Learned counsel for the petitioners submits that the petitioners have not been given the benefit of allowances, which have been mentioned in order dated 22.02.2013 (Annexure P-1).

Nothing has been mentioned as to what allowances are to be paid to the petitioners. In case, the petitioners have any grievance with regard to non-grant of allowances, they can file appropriate application before the respondents and the respondents are directed to decide the same within a period of 08 weeks from the date of receipt of such representation and in case the petitioners are found entitled for allowances as per the regularization order dated 22.02.2013 (Annexure P-1), the same be extended to the petitioners.

Present petitions are disposed of in above terms.

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Copy of this order be placed on the connected case file, referred
to above.

(HARSIMRAN SINGH SETHI)
JUDGE

29.10.2024
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| 1. <i>Whether speaking/reasoned?</i> | <i>Yes/No</i> |
| 2. <i>Whether reportable?</i> | <i>Yes/No</i> |