

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-22007-2021
Date of Decision: 15.02.2024

BIRMATI ...Petitioner

Vs.

STATE OF HARYANA AND OTHERS ...Respondents
2. CWP-4934-2019

KRISHAN KUMAR ...Petitioner

Vs.

STATE OF HARYANA AND OTHERS ...Respondents
3. CWP-19154-2021

OM PAL AND ANOTHER ...Petitioners

Vs.

STATE OF HARYANA AND OTHERS ...Respondents
4. CWP-22404-2021

RAM CHANDER AND OTHERS ...Petitioners

Vs.

STATE OF HARYANA AND OTHERS ...Respondents

CORAM:- HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Sandeep Thakan, Advocate for the petitioner(s).

Mr. Pankaj Middha, Addl. AG, Haryana.

HARSIMRAN SINGH SETHI, J. (Oral)

1. By this common order, bunch of 04 petitions, details of which have been given in the heading, are being disposed of as all the writ petitions involve the same question of law on similar facts. For the purpose of this order, facts are being taken from CWP No. 22007 of 2021 titled Birmati Vs. State of Haryana and others.

2. The prayer of the petitioners in the present petition is that though their services have been regularized from 01.10.2003, but they are entitled for regularization of their services under the policy which was issued

by the Government of Haryana dated 01.02.1996 hence, the respondents are liable to be directed to regularize the services of the petitioners from the said date with all consequential benefits.

3. Respondents in reply to the writ petitions, has submitted that the petitioners have not been able to fulfill the terms and conditions of the regularization policy under which, the services of an employee could be regularized from 01.02.1996 as, an employee was required to have minimum of 03 years service as on 01.02.1996 and also work atleast 240 days in each preceding 03 years whereas the petitioners have not worked for 240 days either in the year 1994 or 1995 or in the year 1996. The chart, giving details of the days for which the petitioners have worked from the year 1994 to 1996 has been appended as R-3/3.

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

5. It is a matter of fact that the services of the petitioners stand regularized w.e.f. 01.10.2003. The claim being raised herein is that the petitioners want ante-dated regularization of their services from the year 1996 on the ground that they fulfilled the terms and conditions of the policy which was issued on 01.02.1996 for regularization of services.

6. As per the policy, an employee who has rendered 03 years of services on the cut off date as envisaged under the 1996 regularization policy and had completed at least 240 days of work in each of the 03 years, he/she can be considered for regularization. It has already come on record that the petitioners have not been able to complete 240 days in preceding 03 years of issuance of the regularization policy of the year 1996.

7. It is a settled principle of law that only the employees who fulfil the terms and conditions of a regularization policy, can claim the benefit. In the present petitions, though a claim has been raised for regularization of the services, w.e.f. 01.02.1996 but the petitioners have failed to show that their cases are covered keeping in view the terms and conditions of the 1996 policy. In the absence of the eligibility to get their services regularized under the 1996 regularization policy, no benefit can be extended to the petitioners qua regularization of their services from the year 1996. Keeping in view the above, no ground is made out for grant of relief as has been claimed in the present petitions.

8. The petitions are dismissed.

9. A photocopy of the order be placed on the files of other connected cases.

(HARSIMRAN SINGH SETHI)
(JUDGE)

15.02.2024

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