



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

214

CWP-22691-2018

Date of decision : 22.10.2024

Jaswinder Singh

.....Petitioner

V/S

State of Haryana and others

....Respondent

CORAM : HON'BLE MR. JUSTICE NAMIT KUMAR

Present: Mr. Shyam Singh Chhokar, Advocate for the petitioners.

Mr. Saurabh Mohunta, D.A.G., Haryana.

NAMIT KUMAR, J. (ORAL)

1. The petitioner has filed the instant writ petition under Articles 226/227 of the Constitution of India, seeking a writ of certiorari, quashing the order dated 13.08.2012 (Annexure P-1), whereby services of the petitioner have been regularized w.e.f. 01.10.2003 as Mali-cum-Chowkidar instead of Water Pump Operator/Work Munshi. Further seeking a writ of mandamus, directing the respondents to consider the case of the petitioner for regularization as Water Pump Operator/Work Munshi instead of Mali-cum-Chowkidar.
2. Brief facts of the case, as have been pleaded in the present petition, are that the petitioner, who is Matriculate, was engaged as Water Pump Operator/Work Munshi on 01.02.1994 in the Public Work Department (Public Health Engineering Division, Kurukshetra) on daily wages/muster roll basis. Thereafter, his services have been regularized

**CWP-22691-2018****2**

as Mali-cum-Chowkidar w.e.f. 01.10.2003. The petitioner submitted representation dated 25.11.2017 claiming regularization on the post of Water Pump Operator/Work Munshi and since no action was taken by the respondents on the same, therefore, the instant petition has been filed by the petitioner claiming regularization against the post of Water Pump Operator/Work Munshi instead of Mali-cum-Chowkidar.

3. Pursuant to notice of motion, written statement on behalf of the respondents has been filed, wherein it has been stated that the petitioner has rightly been regularized as Mali-cum-Chowkidar as he was not eligible for the post of Water Pump Operator/Work Munshi. The petitioner is not fulfilling the qualification i.e. Matriculation with ITI Certificate in the trade of Motor/Tractor/Diesel Mechanical Electric/Wireman which is essential qualification for appointment to the post of Water Pump Operator/Work Munshi.

4. Learned counsel for the petitioner submits that on 01.02.1994 the petitioner was initially appointed as Water Pump Operator/Work Munshi on daily wages/muster roll basis which is a Class-III post, however, his services were regularized w.e.f. 01.10.2003 as Mali-cum-Chowkidar, which is a Class-IV post. When the petitioner came to know that the similarly situated persons have been granted the benefit of regularization on Class-III post, he approached the respondent-department by submitting representation dated 25.11.2017 for regularization of his services against the post of Water Pump Operator/Work Munshi instead of Mali-cum-Chowkidar and for grant of all consequential benefits but no action was taken on the same. In

**CWP-22691-2018****3**

support of his claim, he has placed reliance upon the judgment passed by this Court in *CWP No.21929 of 2012 titled as 'Sanjeev Bagga and others Vs. State of Haryana and others'* decided on 19.12.2015 along with other connected petitions.

5. Per contra, learned State counsel, while referring to the averments made in the written statement, submits that since as per his qualification, the petitioner was not eligible for the post of Water Pump Operator/Work Munshi, therefore, his services were rightly regularized as Mali-cum-Chowkidar.

6. I have heard learned counsel for the parties and perused the relevant documents with their able assistance.

7. The facts are not in dispute that the petitioner, who is Matriculate, was initially engaged as Water Pump Operator/Work Munshi on 01.02.1994 on daily wages/muster roll basis and his services were regularized w.e.f. 01.10.2003 as Mali-cum-Chowkidar. As per stand taken by the respondents the petitioner is not fulfilling the qualification i.e. Matriculation with ITI Certificate in the trade of Motor/Tractor/Diesel Mechanical Electric/Wireman, which is essential qualification for appointment to the post of Water Pump Operator/Work Munshi. Since the petitioner does not fulfill the educational qualification for the post of Water Pump Operator/Work Munshi, therefore his services have rightly been regularized as Mali-cum-Chowkidar.

8. Moreover, the services of the petitioner were regularized on 01.10.2003 and the instant petition has been filed on 04.09.2018 i.e.



CWP-22691-2018

4

after about 14 years. Since there is inordinate delay in filing the present petition, therefore, the same is liable to be dismissed on this ground also.

9. Further, the judgment cited by learned counsel for the petitioner in *Sanjeev Bagga’s case (supra)* is not applicable to the facts of the present case as in the said writ petition, the benefit of regularization granted to the petitioners was sought to be withdrawn.

10. In view of the above, the present writ petition, being devoid of merit, is hereby dismissed.

22.10.2024

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(NAMIT KUMAR)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No