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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

1. CWP-4361-2016 (O&M)
Date of decision: 08.05.2024

Das Kumar and others
...Petitioners

Versus

State of Haryana and others
...Respondents

2. CWP-4362-2016 (O&M)
Date of decision: 08.05.2024

Ramesh Kumar and others
...Petitioners

Versus

State of Haryana and others
...Respondents

3. CWP-14628-2016 (O&M)
Date of decision: 08.05.2024

Mahavir and others
...Petitioners

Versus

State of Haryana and others
...Respondents

4. CWP-11871-2023 (O&M)
Date of decision: 08.05.2024

Shiv Bahadur and others
...Petitioners



Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Dhiraj Chawla, Advocate and
Mr. Akshit Dhiman, Advocate for the petitioners
(In CWP-4361-2016 and CWP-11871-2023)

Mr. Karamveer Singh Banyana, Advocate for the petitioners
(In CWP-14628-2016)

Mr. Alankrit Bhardwaj, Advocate for the petitioners
(In CWP-4362-2016)

Ms. Palika Monga, DAG, Haryana.

VIKAS BAHL, J. (ORAL)

1. This order will dispose of a bunch of four writ petitions i.e., CWP-4361-2016, CWP-4362-2016, CWP-14628-2016 and CWP-11871-2023 as common questions of law and facts arise in the present cases.

2. Learned counsels appearing on behalf of the petitioners in all the writ petitions have submitted that after filing of the present writ petitions, a Coordinate Bench of this Court vide judgment dated 13.03.2024, passed in a bunch of writ petitions of which the lead case is **CWP-2158-2020 titled as Ashish Sharma and others Vs. State of Haryana and others**, had disposed of the writ petitions with the following observations:-

“35. Hence, in light of the above mentioned facts and position of law, the petitioners have a right to seek regularization of their services with effect from the date benefit of regularization of services has been extended to an employee junior to them in case, the petitioners fulfill the terms and conditions of the



applicable regularization policy which is in force and the respondent -State is directed to regularize their service in case the petitioners fulfills the qualification/conditions as mentioned in the applicable regularization policy.

36. *With respect to the condition of having three years of service with 240 days of work in each year as on the date an employee shall become eligible to claim regularization of his/her services in terms of the regularization policy dated 01.10.2003 or any other regularization policy, the services of the employee from the date of his/her initial appointment shall be considered for the purpose of qualifying the said condition. In case, the petitioners has worked for 240 days in any of the 3 years upto the date of regularization policy, said petitioners will be considered eligible under the policy in which the benefit has been claimed.*

37. *Further, in case, any employee junior to the petitioners, has been regularized in service, which fact in case is established before the respondent authorities by the petitioners, the said petitioners will get the right of regularization of their services from the date when the services of the employee junior to them has been regularized if the said petitioners fulfills all the requisite of relevant regularization policy and respondent-State shall fix the date of regularization of such employee from the date his/her junior was regularized in service as has been directed in the case of **Balwinder Singh (Supra)**.*

38. *It is further directed that in case the respondent-State does not have any sanctioned post so as to regularize the services of the petitioners the respondent-State shall create appropriate posts which can be of diminishing nature or otherwise as may be deemed appropriate by the respondent-State in light of position of law observed herein before, keeping in view the decision of the respondent-State dated*



21.12.2018.

39. *The Respondent-State is hereby directed to examine each and every case of petitioners in terms of the directions given herein before and pass appropriate speaking order. In case, the respondent-State is of the view that any petitioner does not qualify any condition of the applicable regularization policy, the respondent-State shall pass order giving details as to how the petitioner does not qualify the applicable condition in terms of the regularization policy under which the petitioner raised his/her claim. In case it is found that there is no difference between the petitioner and his/her junior whose services had been regularized prior in time, the respondent shall pass an order fixing the date regularizing the services of such petitioner in terms of the directions given herein before i.e. from the date services of the employee junior to the petitioner were regularized.*

40. *At this stage, learned counsel for the petitioners has raised a plea that in some cases on the ground that the petitioners have been appointed prior to 1996, their claims has been rejected which condition has already been set aside by a co-ordinate bench of this Hon'ble Court in CWP No.1582 of 2018 titled as '**Gobind v. State of Haryana and others**', decided on 13.03.2019.*

41. *Learned counsel for the respondent-State does not dispute the said factum and submits that no claim will be rejected by the respondent State on the ground that the petitioners claiming benefit of regularization were not appointed prior to the year 1996 as per the aforesaid judgment.*

42. *Let consideration as directed herein above be completed within the period of four months from the date of receipt of certified copy of this order.*

43. *In view of the above, the writ petitions are disposed of in*



the terms and conditions mentioned herein before. Let the respondent-State pass appropriate speaking order as directed herein before. In case, any of the petitioner is found entitled for regularization/retrospective regularization of services from the date employees junior to him/her has been regularized, they will be granted the said date of regularization otherwise due reasons be mentioned in the speaking order keeping in mind the directions given by the Court herein before so as to decide the eligibility of each petitioners qua their respective claims. Further in case any of the petitioners is found entitled for regularization of his services retrospectively the said benefit shall be given notionally, no arrears will be granted to the petitioners up to the date of filing of the respective petitions. The petitioners will be entitled for fixing of their salaries from the date of regularization notionally and the arrears will only be extended from the date of filing of their respective petitions before this Court and if any of the petitioners has already retired, his/her pensionary benefits will also be fixed/revised and arrears will also be extended from the date of filing the petition by the said petitioner.

44. A photocopy of this order be placed on the files of connected cases.

45. Pending miscellaneous application, if any, shall also stand disposed of. ”

3. Learned counsels for the petitioners have submitted that the cases of the petitioners also deserve to be reconsidered in view of the abovesaid judgment and also in view of the settled law and for the said purpose, the petitioners would individually give detailed representations to show that their cases are covered by the various policies of the State of Haryana and also the law laid down in various judgments. It is further



submitted that the cases of the petitioners be reconsidered and in case, the pleas raised by the petitioners are found to be meritorious, then, necessary relief be granted to them, in accordance with law and in case, the pleas raised by the petitioners are not meritorious, then, a speaking order be passed in a time bound manner.

3. Learned State Counsel, on the other hand, has submitted that the cases of the petitioners are not covered under the said judgment and are neither covered in any of the policies but however, learned State Counsel does not deny the fact that the abovesaid judgment has been passed during the pendency of the present writ petitions.

4. Keeping in view the abovesaid facts and circumstances and also the fact that the abovesaid detailed judgment has been passed by a Coordinate Bench of this Court during the pendency of the present writ petitions, this Court is of the opinion that the prayer made by learned counsel for the petitioners for reconsideration of the matter deserves to be accepted and accordingly, the present bunch of writ petitions are disposed of with the following directions:-

- i) It would be open to the petitioners to move individual representations to the competent authority of respondent No.1-State giving the details of the policies under which as per their cases, they are covered and also detailing all the relevant facts/policies or any other facts which they wish to detail in the same.
- ii) The competent authority of respondent No.1-State would consider the said representations, in accordance with law, within a period of six months from the date of receipt of the said representations and in



case, the pleas raised by the petitioners are found to be meritorious, then, the competent authority would grant necessary relief, in accordance with law and in case, the competent authority is of the opinion that the pleas raised by the petitioners are not meritorious, then, a speaking order rejecting the same be passed within a period of six months from the date of receipt of the said representations.

iii) This Court has not opined on the merits of the cases and the competent authority of respondent No.1-State would take a decision on the said representations, independently, in accordance with law.

4. All the pending miscellaneous applications, if any, shall stand disposed of in view of the abovesaid order.

08.05.2024
Pawan

(VIKAS BAHL)
JUDGE

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