

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

113

CWP-23144-2023 (O&M)
Date of Decision : 09.04.2024

SUKHDEV SINGH AND OTHERS

... PETITIONERS

Versus

STATE OF PUNJAB AND ANOTHER

... RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: Mr.B.S.Bhinder, Advocate
for the petitioners.

Mr. Aman Dhir, DAG, Punjab.

JAGMOHAN BANSAL, J. (Oral)

1. The petitioners through instant petition under Article 226 of the Constitution of India are seeking directions to respondents to regularize them w.e.f. 2001. They are further seeking direction to the respondents to count period of service rendered before the date of regularization for all service benefits.

2. The petitioners joined respondents as Class IV employees. They came to be regularized in 2009. The petitioners claim that they were eligible for regularization in 2001 whereas they have been regularized in 2009. As they were eligible for regularization in terms of policy of 2001, the respondent wrongly did not regularize them. They should be treated as regularized w.e.f. 2001. The petitioners are further claiming that period of service rendered prior to 2009 should be counted for the purpose of pension and other benefits.

3. Mr.B.S.Bhinder, Advocate submits that case of the petitioner is squarely covered by judgment of this Court in ***Harbans Lal Vs. State of Punjab in CWP No.2371 of 2010.*** The respondent while passing order dated 24.04.2020 has kept the matter pending for further consideration.

4. Mr. Aman Dhir, DAG, Punjab, fairly concedes that the petitioners are entitled to service benefits as per judgment of this Court in **Harbans Lal's case (supra)**, however, he submits that they cannot be considered as regularized as per policy 2001.

5. The petitioners concededly were working with respondent on temporary basis prior to 2009. They are claiming that they should be regularized in terms of policy of 2001. Supreme Court in **State of Karnataka vs. Uma Devi, 2006 (4) SCC 1** held that temporary or *ad hoc* or part time employees cannot be regularized, however Court granted a window for employees who were working for last 10 years. The State Government in 2006 framed policy for regularization of temporary/part time employees. The petitioners were regularized in 2009. In view of judgment of Supreme Court, the petitioners cannot claim regularization from 2001.

6. The petitioners are entitled to service benefits as have been extended by Division Bench of this Court in **Harbans Lal's case (supra)**. As per order dated 24.04.2020, the respondent has kept matter of few employees for consideration. If the respondent has not finally adjudicated claim of petitioners qua counting of period of service rendered prior to regularization for the purpose of qualifying service for service benefits, an appropriate order in terms of in **Harbans Lal's case (supra)** shall be passed within two months from today.

7. Disposed of in above terms.

8. Pending miscellaneous applications, if any, shall also stand disposed of.

1.

09.04.2024

anju

(JAGMOHAN BANSAL)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>