

CWP No.23785 of 2017 and
CWP No.23729 of 2017

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH
210

Date of decision : 16.01.2024

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CWP No.23785 of 2017

Anand Singh and Ors.

....Petitioners

Versus

State of Haryana and Ors.

....Respondents

2

CWP No.23729 of 2017

Sonu and Ors.

....Petitioners

Versus

State of Haryana and Ors.

....Respondents

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present :- Mr. Rajender Singh Malik, for the petitioners
in CWP No.23785 of 2017.

Mr. J.S. Yadav, Advocate and
Mr. Paramvir S. Parmar, Advocate, for the petitioners
in CWP No.23729 of 2017.

Mr. Saurabh Mohunta, DAG, Haryana.

HARSIMRAN SINGH SETHI, J. (ORAL)

1 Since identical questions of law and facts are involved in both the
above said two petitions, the same are being disposed of by this common order.

2 In the present petition, the grievance of the petitioners is that the
services of the petitioners have been de-regularized vide impugned orders, which
act on the part of respondents is totally arbitrary and illegal.

3 Learned counsel for the petitioners submits that once under the Policy dated 11.11.2003, the services of the petitioners have been regularized by the respondents, the de-regularization of their services causes prejudice as the petitioners are still in service and have rendered more than two decades of service already.

4 Learned counsel for the respondents, on the other hand, submits that the services of the petitioners were regularized by mis-reading the instructions dated 11.11.2003 for the reasons that some of the petitioners have been appointed after the issuance of the said notification dated 11.11.2003. Hence, the instructions dated 11.11.2003 could not have been made applicable upon them. Learned counsel for the respondents submits that the impugned order passed is perfectly valid and legal.

5 Learned counsel for the petitioners submits that while issuing notice of motion, the respondents were directed not to terminate the services of the petitioners and the petitioners are still continuing in service and as per the judgment of the Hon'ble Supreme Court of India titled as '**Prem Singh Vs. Uttar Pradesh passed in Civil Appeal No.6798 of 2019 (@Special Leave Petition (c) No.4371 of 2011), decided on 02.09.2019**' in case an employee is continuing for a period of two decades, his/her services should be regularized keeping in view the instructions which have been issued by the particular State, hence, the respondents are under obligation to consider the claim of the petitioners under the subsequent instructions which have been issued by the respondents qua the part time employees after 11.11.2003

6 Learned counsel for the respondents submits that after instructions dated 11.11.2003, the further instructions qua the part time employee were issued

CWP No.23785 of 2017 and
CWP No.23729 of 2017

in the year 2011, and as of now, the claim of the petitioners have not been considered for regularization under the said instructions for the reasons that when the said instructions were issued, the services of the petitioners had already been regularized under the instructions dated 11.11.2003.

7 Keeping in view the facts and circumstances of the present case, the direction is issued to respondents to consider the claim of the petitioners for regularization of their services under the regularization policy qua the part time employees which has come into the operation after instructions dated 11.11.2003 and after considering the claim of the petitioners, appropriate order be passed and till, the said date, the petitioners shall be allowed to continue in service. It may be noticed that once the petitioners had already worked for more than two decades, sympathetic view be given while considering the claim of the petitioners.

8 Disposed of accordingly.

16.01.2024
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(HARSIMRAN SINGH SETHI)
JUDGE

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