IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

115 **CWP-30137-2024**
Date of Decision :20.11.2024

Thaman Bhadur **...Petitioner**

Versus

State of Punjab and others **...Respondents**

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Janak Singh Bhinder, Advocate for the petitioner.

Mr. Arun Gupta, DAG, Punjab.

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Harsimran Singh Sethi, J. (Oral)

In the present petition, grievance being raised by the petitioner is qua the order dated 30.08.2024 (Annexure P-16) by which, claim of the petitioner for regularization of his services as per the Instructions dated 18.01.1995 issued by the State of Punjab has been declined.

Learned counsel for the petitioner argues that the petitioner was initially appointed in the year 1994 and hence, the benefit of Instructions dated 18.01.1995 should be made applicable upon him and therefore, his case for regularization of his services from the year 1995 has wrongly been rejected by the respondents.

Keeping in view the advance copy served, Mr. Arun Gupta, DAG, Punjab has put in appearance on behalf of the respondent-State and submits that the petitioner was initially appointed as Sweeper on the Sale

Tax Barrier at Khanori in April, 1994 and his services were terminated as the said Sale Tax Checking post was abolished. On 18.04.1995, the petitioner was again appointed as a Chowkidar/Watchman on D.C. rates in the office of Assistant Excise & Taxation Commissioner, Sangrur. Thereafter, his services were terminated on 13.07.1996 and keeping in view the order passed by this Court in CWP-7846-1997, the petitioner was taken back in service vide appointment order dated 29.05.1997 (Annexure P/3) so as to consider his claim for regularization. The petitioner's services were regularized vide order dated 10.05.2002 keeping in view the regularization policy dated 23.01.2001. After a period of 20 years of the regularization of the services, the petitioner filed the present writ petition in year 2024 seeking antedating of his regularization, which has been declined on the ground that on the date of the issuance of the Instructions dated 18.01.1995, the petitioner was not in service.

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

Once, it is a conceded fact that the petitioner was not in service on 18.01.1995 and does not fulfill requirement of the regularization policy, the question of seeking regularization in service under the said policy does not arise. It is also a conceded fact that the petitioner was appointed in the office of the Assistant Excise & Taxation Commissioner, Sangrur on 18.04.1995. Once, the appointment of the petitioner was after 18.04.1995, no benefit of regularization under the instructions dated 18.01.1995 can be given to the petitioner.

With regard to the assertion that petitioner was appointed as a

Sweeper on 19.04.1994, it has already come on record that the said service came to an end as the said Sale Tax Checking post was abolished and the services of the petitioner were terminated. That being so, the impugned order dated 30.08.2024 (Annexure P/16) needs no interference by this Court.

Even otherwise, services of the petitioner were regularization in the year 2002 and the present petition has been filed in the year 2024 for antedating his regularization after a period of 22 years and that too after retirement, which is even otherwise not permissible under law.

Keeping in view the fact and circumstances recorded hereinbefore, no ground for interference by this Court is made out and the present writ petition is accordingly dismissed.

November 20, 2024 **(HARSIMRAN SINGH SETHI)**
aarti **JUDGE**

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