



**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH.**

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**LPA-2885-2024 (O&M).
Date of Decision: 18.11.2024.**

State of Haryana and others

....Appellants.

VERSUS

Rohtash Kumar

....Respondent.

**CORAM : HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL
HON'BLE MS. JUSTICE LAPITA BANERJI**

Present: Mr. Anant Kataria, Deputy Advocate General, Haryana
for the appellants.

ANUPINDER SINGH GREWAL, J. (Oral)

CM-7072-LPA-2024

Application is allowed and Annexure A-1 is taken on record,
subject to all just exceptions.

CM-7073-LPA-2024

Exemption application is allowed, as prayed for.

CM-7074-LPA-2024

This application has been filed seeking condonation of delay of
167 days in preferring the appeal.

Heard.

The delay does not appear to be deliberate or intentional. It
would be in the interest of justice if the delay is condoned and the appeal be
heard and decided on merits.

Consequently, for the reasons mentioned in the application, same is allowed and delay of 167 days in filing the appeal is condoned.

LPA-2885-2024

Appellants have challenged order dated 25.04.2024 passed by the Single Bench, whereby the CWP-14905-2019 titled 'Rohtash Kumar vs. State of Haryana and another' was disposed of in the same terms as the order dated 13.03.2024 passed in the case of **Ashish Sharma and others Vs. State of Haryana, CWP-2158-2020.**

2. Learned counsel for the appellants *inter alia* submits that respondent herein was appointed as Contingent Staff and was not working on a sanctioned post and, therefore, his service could not have been regularized under the 2003 Policy. He had preferred an application for regularization much later and in view of the law laid down by the Supreme Court in the case of **Secretary, State of Karnataka & Ors. v. Uma Devi, 2006(4) SCC 1**, he is not entitled to regularization.

3. We have heard learned counsel for the appellants and perused the material on record.

4. The Single Bench, vide impugned order, had disposed of the petition in same terms as the order of the Single Bench in the case of **Ashish Sharma and others Vs. State of Haryana, CWP-2158-2020** decided on 13.03.2024. A bare reading of the order in the case of Ashish Sharma (supra) indicates that the respondents therein were directed to consider the cases of the petitioners in terms of the regularization policy and in the event they were found to be entitled for regularization, they would be granted the benefits of the same. In the event, the petitioners therein were not found eligible for

regularization, the competent authority was enjoined to give detailed reasons as to why they were not entitled for regularization and necessary orders in that regard were to be passed.

5. We do not find any illegality in the order of the Single Bench as the direction had been given only to examine the case of the employees and to grant them the benefit of regularization in the event they were found eligible for the same. At the same time, liberty had been given to the competent authority to reject the cases, if it was of the opinion that the employees were not entitled to regularization, but in that event, detailed reasons had to be spelt out. The appellants instead of considering and deciding the cases of the respondents for regularization in terms of their policy, have rushed to the Court by preferring Letters Patent Appeal, which is wholly misconceived and devoid of any merit.

6. The appeal is dismissed.

7. Pending application(s), if any, also stand disposed of accordingly.

(ANUPINDER SINGH GREWAL)
JUDGE

(LAPITA BANERJI)
JUDGE

18.11.2024
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Whether speaking/ reasoned : Yes/ No

Whether Reportable : Yes/ No