



IN THE HIGH COURT OF PUNJAB & HARYANA  
AT CHANDIGARH

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CWP-2673-2025 (O&M)

Date of decision: 31.01.2025

Amrit Lal and others

...Petitioners

VERSUS

State of Haryana and others

...Respondents

**CORAM : HON'BLE MR. JUSTICE VINOD S. BHARDWAJ**

Present :- Mr. Ajay Shekhawat, Advocate for the petitioners.

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**VINOD S. BHARDWAJ, J. (Oral)**

1. Challenge in the present petition is to orders dated 22.11.2024 as well as 26.09.2014 whereby the claim of the petitioners for regularizing/reinstatement in service as per Departmental Service (Group-D) Rules, 1998 and notified Govt. Policy dated 18.06.2014 had been declined by the Deputy Commissioner, Sonapat viz. respondent No.2.

2. Learned counsel appearing on behalf of the petitioners contends that the petitioners were registered as unemployed under the trade of G.V. on the basis of their qualification, in Employment Exchange in District Sonapat, Haryana. The Deputy Commissioner, Sonapat sent a demand letter to the District Employment Exchange, Sonapat with a proposal to fill up 17 sanctioned posts of Peon under the Policy for Outsourcing and Contractual Engagement (Part-II) received vide letter No.43/5/2001-1-GSI dated 16.02.2009 from the General Administration Department of Haryana. The District Employment Officer, Sonapat was requested to sent a list of eligible persons for the post of Peon as per the qualification mentioned in the



demand form for interview to be held on 02.02.2010 at 10.00 am in the Office of the Deputy Commissioner, Sonapat. He contends that services of Peon (Group-D) are governed by the Haryana Revenue Department. Subordinate (Group-D) Service Rules, 1998 (hereinafter referred to as '**the Rules of 1998**') notified by the Revenue Department, Haryana.

3. Pursuant to the said request, all the eligible candidates sponsored by the Employment Exchange were interviewed on 02.02.2010 by a Selection Committee duly constituted by the appointing authority i.e. respondent No.2-Deputy Commissioner, Sonapat and the petitioners were short-listed and the appointment orders were issued to them on 06.04.2010. As per the conditions stipulated in the appointment orders, the petitioners appeared before the Civil Surgeon, Sonapat for medical examination and they were also found medically fit for taking up of the assignment.

4. It is contended that the petitioners served in various offices under the Deputy Commissioner, Sonapat but for last many months they have not been paid their salary/wages. In this regard, a request was submitted by the petitioner to the various Head of Branches where they were posted but no action was taken and that no order of termination of their services had been issued to them and salary of only 2-3 months was paid through cheques whereas in the speaking order dated 26.09.2014 passed by the Deputy Commissioner, Sonapat, it was stated that 12 petitioners worked on contractual basis from 06.04.2010 to 31.03.2011 i.e. for 11 months and 25 days, whereas 01 petitioner worked from 06.04.2010 to 16.05.2011 i.e. for 01 year 01 month and 10 days and remaining 02 petitioners worked from



06.04.2010 to 20.05.2011 i.e. 01 year 01 month and 14 days. Learned counsel appearing on behalf of the petitioner contends that the State of Haryana had issued a Notification dated 18.06.2014 as per which the employees of Group C and D were engaged on contract basis and who fulfilled the conditions laid down in the said Notification were held eligible for regularisation. The petitioners accordingly filed CWP-14290-2014 titled as 'Raj Narain and ors Vs. State of Haryana and others' with a prayer for issuance of directions to respondent No.2 to regularize their services on the post of Peon (Group D) and further to make the payment of their salary that has not been paid. The said writ petition was disposed of by this Court vide order dated 23.07.2014 with a direction to decide the representation of the petitioners by passing a speaking order. In compliance thereto, a speaking order dated 26.09.2014 (Annexure P-10) was passed by the Deputy Commissioner, Sonapat whereby the claim of the petitioners was declined.

5. Learned counsel appearing on behalf of the petitioners contends that the said order dated 26.09.2014 was challenged by the petitioners by filing CWP-3951-2015 titled as 'Amrit Lal and ors. Vs. State of Haryana and others'. Since the Policy dated 18.06.2014 had already been set aside by a Division Bench of this Court, while adjudicating CWP-17206-2014 titled as 'Yogesh Tyagi and another Vs. State of Haryana and others' the said writ petition was disposed of by this Court with liberty to the petitioners to agitate their claim qua the regularization of services under the Policy dated 01.10.2003 by availing appropriate remedy, vide its order dated 24.04.2024 and order dated 14.05.2024. Hence, the petitioners approached the Deputy



Commissioner, Sonapat yet again alongwith their representations, which were heard personally on 20.11.2024 and the order dated 22.11.2024 was passed whereby the claim of the petitioners were declined by the Deputy Commissioner, Sonapat on the ground that the petitioners did not fulfill the conditions mentioned in the Notification issued by the Govt. of Haryana on 01.10.2003 for regularization of the Adhoc/contractual and daily wages employees. Hence, the present writ petition has been filed challenging the orders dated 26.09.2014 as well as 22.11.2024 passed by the Deputy Commissioner, Sonapat.

6. Learned counsel for the petitioners has vehemently argued that the appointment of petitioners was made through the Employment Exchange, which is an approved source of recruitment and by following the specific procedure. Hence, they were entitled for regularization under the Policy of 1998 and that the discontinuation of their service, without following the due process, was illegal and liable to be set aside. The petitioners are entitled to re-instatement/continuation of service alongwith all consequential benefits including salary in accordance with law. It is further argued that notwithstanding the Regularization Policy dated 18.06.2014 having been set aside by the Division Bench of this Court, the petitioners are nonetheless entitled to reinstatement in service(s) since in the absence of any order of termination, they have all the rights. There is a deeming provision that in the event the respondents did not permit the petitioners to continue discharging their duties on the substantive posts to which they had been appointed, they would be deemed to be in service and



all benefits have to be extended to the petitioners.

7. Learned counsel appearing on behalf of the petitioners further contends that the petitioners have also not been paid salary for the period of 3-4 months despite having sent numerous representations/letters. He submits that the petitioners had earlier filed CWP-14290-2014 titled as 'Raj Narain and ors. Vs. State of Haryana and others' which was disposed of vide order dated 23.07.2014 with a direction to the Deputy Commissioner, Sonapat to decide the representation but there was no mentioning of any salary in the said writ petition. A subsequent writ petition i.e. CWP-3951-2015 titled as 'Amrit Lal and others Vs. State of Haryana and others' which was also disposed of vide order dated 22.04.2024 granting liberty to the petitioners to agitate their claim qua the regularization of their services under the Policy dated 01.10.2003 by availing appropriate remedy. He thus contends that the petitioners should be given all admissible benefits that become payable to them.

8. No other argument has been raised by the learned counsel appearing on behalf of the petitioners.

9. I have heard the learned counsel appearing on behalf of the petitioners and have gone through the documents available on record with his able assistance.

10. Without disputing the factual matrix of the case that the services of the petitioners had been engaged by the respondent-Department pursuant to calling for names from the Employment Exchange, I find that the claim of the petitioners would nonetheless be devoid of merit at this



juncture.

11. It is evident from a perusal of the requisition sent by the office of the Deputy Commissioner, Sonapat to Employment Exchange on 06.04.2010 that the said requisition had been sent for engagement of certain persons against sanctioned posts of Peon purely on contractual basis. The said appointment was to be only for a period of 06 months initially.

12. Pursuant thereto, the initial appointment was stated to have been given to all the petitioners but their services were discontinued. The petitioners undisputedly filed CWP-14290-2014 wherein the petitioners claimed the benefit of regularization of their services under the Government of Haryana Policy notified on 18.06.2014. The said writ petition was disposed of vide order dated 23.07.2014 with a direction to the respondent-Deputy Commissioner, Sonapat to decide the claim of the petitioners for regularization of their services within a period of 08 weeks of submission of a representation by passing a speaking order. In compliance thereto, the Deputy Commissioner considered the case of the petitioners and also perused the entire official record. The claim raised by the petitioners was declined by the Deputy Commissioner vide order Endst. No.1737-46/E.B. dated 26.09.2014. The operative part of the same reads thus:-

*“It is revealed from the official record that none of the petitioners is engaged under the direct employment of this office rather all the petitioners were engaged on contractual basis for 6 months only as per the outsourcing policy of the government. Thereafter, renewal of the agreement was done for*



*3 months as per the outsourcing policy of the government.*

*It is also clear from the perusal of the official record that 12 out of the 15 contractual workers were discharged from the contractual services on 31.03.2011, one contractual workers was discharged from contractual services on 16.05.2011 and the remaining 2 contractual workers were discharged from the services on 20.05.2011 by the order of the then Deputy Commissioner, Sonapat because of non availability of budget for their salary. Information in the regard was also sent to the employment office, Sonapat vide letter No. 2068 dated 17.07.2012 so that the petitioners remain entitle to get employment anywhere else.*

*It also becomes clear from the above that 12 petitioners worked on contractual basis from 06.04.2010 to 31.03.2011 i.e. for 11 months and 25 days; 1 petitioner worked form 06.04.2010 to 16.05.2011 i.e. for one year one month and ten days & remaining two petitioners worked from 06.04.2010 to 20.05.2011 i.e. for one year one month and 14 days.*

*After having a thorough look on the official record, the undersigned also had a keen look on the notification of the Government dated 18.06.2014 regarding the regularization of daily wages/contractual employees. It is observed that none the petitioner fulfill even the first clause of first condition laid down in the abovesaid policy. The condition referred above is*



*reproduced here for clarification:*

*The services of Group C and Group D employees/workers engaged on contract basis engaged by Government/approved agency of the State Government be regularized if they fulfill the following conditions, namely:-*

- (i) That the employee/ worker should have worked for not less than 3 (three) years as on 28<sup>th</sup> May, 2014 and is still in service.*

*It becomes apparently clear from the notification ~~least~~ of the Government that only those contractual employees who are to be regularized who have worked at least for three years up to 28.05.2014 and are also in service/work on the date of notification i.e. 18.06.2014. It is clear from the official record that none of the petitioner worked for more than one year two months and that too as per the outsourcing policy of the Government. Apart fofm it, no petitioner was in service on the date of on notification that is 18.06.2014. All the petitioners were removed from the services at least three years before the date of notification of the government & information in this regard was also sent to the concerned employment office.*

*Thus on the basis of official record available and the policy of the Government dated 18.06.2014, the undersigned arrived at a conclusion that because none of the petitioners fulfill the conditions of the above policy of government, hence*





*there services can not be regularized.*

*The copy of the order be kept in the official record and also be handed over to the petitioners.”*

13. It was thus specifically recorded by the Deputy Commissioner in the aforesaid order that the petitioners had worked for a period ranging for approximately 11 months to 1 year and 01 months. The contractual engagement had not been renewed thereafter. There was no claim raised by the petitioners at that point of time about the non-payment of any arrears at the time when earlier writ petition was filed. There was also no reason as to why the petitioners would not have raised the said claim in case salary would not have been received by them. Be that as it may, it was specifically noticed by the Deputy Commissioner, Sonapat-respondent No.2 that the petitioners did not fulfill the terms & conditions prescribed for seeking regularization under the Policy dated 18.06.2014.

14. The petitioners thereafter preferred CWP-3951-2015, which was disposed of by this Court vide order dated 22.04.2024, after noticing that the regularization Policy dated 18.06.2014 has already been set aside by the Division Bench of this Court with a direction that the petitioners' claim qua regularization be considered as per the Policy dated 01.10.2003. Hence, the Deputy Commissioner, Sonapat was directed to pass a fresh order by taking into consideration the Policy dated 01.10.2003. Pursuant thereto, the speaking order bearing memo No. 4100/E.B. dated 22.11.2024 has been passed by the Deputy Commissioner. The operative part of the said order reads thus:



*“That in compliance of the orders passed on 22-04-2024 by Hon'ble High Court all the petitioners were asked to the submit their representations vide this office letter No.3024/EB, dated 20-09-2024. After examining the representations received from all petitioners, an opportunity for personal hearing was granted to them vide this office letter memo no.3670-82/EB dated 11-11-2024.*

*All the petitioners were heard in person on 20-11-2024. They did not submit any document other than earlier submitted. From perusal of record, it came to notice that all the petitioners were engaged by the then Deputy Commissioner vide memo no. 773-95 dated 06-04-2010 for six month at 4200/-per month (DC rate) (however, the tenure of their engagement was reduced to 3 months vide memo no. 2923-45 dated 28-12-2010). It is also clear from the persual of the official record that 12 out of the 15 contractual workers were discharged from contractual services on 31-03-2011, one contractual workers was discharged from contractual services on 16-05-2011 and the remaining 2 contractual workers were discharged from the services on 20-05-2011 by the order of the then Deputy Commissioner, Sonapat, because of non availability of budget for their salary. Information in the regard was also sent to the employment office, Sonapat vide letter no. 2068 dated 17-07-2012 so that the petitioners remain*



*entitle to get employment anywhere else.*

*It also becomes clear from the above that 12 petitioners worked on contractual basis from 06-04-2010 to 31-03-2011 i.e. for 11 months and 25 days and only one petitioner worked from 06-04-2010 to 16-05-2011 i.e. for one year one month and ten days & remaining two petitioners worked from 06-04-2010 to 20-05-2011 i.e. for one year one month and 14 days. Further, there is nothing on the records regarding any extension granted by the competent authority and petitioners could not produce any other relevant document to prove their claim.*

*It is pertinent to mention here that the present petitioner has also filed CWP No. 14290 of 2014 titled as Raj Narain etc. Vs State of Haryana which was withdrawn by them with liberty to first approach the Deputy Commissioner Sonipat claiming the benefit of regularization of their services as per the Haryana Government Policy notified on 18-06-2014 and Deputy Commissioner, Sonipat was directed to decide their representation by passing a speaking order. In Compliance of order dated 23-07-2014 passed by the Hon'ble High Court, speaking order was passed by the then Deputy Commissioner, Sonapat vide memo no. 1737-46 dated 26-09-2014. Relevant portion of order dated 20-06-2014 is reproduced as under:*

*"It becomes apparently clear from the notification least*



*of the Government that only those contractual employee are to be regularized who have worked at least for three years up to 28-05-2014 and are also in service work on the date of notification i.e. 18-06-2014. It is clear from the official record that none of the petitioner worked for more than one year two months and that too as per the outsourcing policy of the Government. Apart from it, no petitioner was in service on the date of notification that is 18-06-2014. All the petitioners were removed from the services at least three years before the date of notification of the Government & information in this regard was also sent to the concerned employment office.*

*Thus on the basis of official record available and the policy of the Government dated 18-06-2014, the undersigned arrived at a conclusion that because none of the petitioners fulfill the conditions of the above policy of government, hence their services can not be regularized."*

*The matter was discussed in wake of policy dated 01-10-2003 in compliance of order from Hon'ble High Court, in CM No. 6573 of 2024 & CM No. 6574 of 2024 in CWP No. 3951 of 2015, However the petitioners were not in service as on 30-09-2003 as prescribed in the 2003 policy. Even then their*



*claim for regularization was considered in the light of Hon'ble High Court order dated 22-04-2024. It is pertinent to mention here that the petitioners don't fulfill the conditions mentioned in the notification issued by Govt. of Haryana on 01-10-2003 for regularization of adhoc/contracted and daily wages employees.*

*In light of above discussion and facts, I have come to the conclusion that the claim of 13 (Thirteen) petitioners can't be accepted under regularization policy of 01-10-2003 as none of them has fulfilled the eligibility criteria of three years regular service or a minimum period of 240 days in each year for three years continuous as prescribed in the notification /policy.”*

15. It is specifically noted by the Deputy Commissioner, Sonapat that the petitioners do not fulfill the conditions laid down for regularization vide Policy dated 01.10.2003 as well since none of the petitioner were in service as on that date.

16. Learned counsel appearing on behalf of the petitioners fairly concedes that the petitioners do not fulfill the eligibility conditions of the Policy as notified on 01.10.2003 as and such, the reasons given by Deputy Commissioner, Sonapat, while declining the claim of the petitioners cannot be faulted with. He contends that even though the petitioners can succeed only in case they are given the benefit of continuity by a deemed re-instatement in the service from the date of discontinuation, however, I am of



the opinion that such a claim cannot be entertained at this stage i.e. after a lapse of nearly 14 years of the alleged cause of action. The petitioners have not been in service since 2011 and no industrial dispute in any manner whatsoever has been raised by the petitioners during the entire period when they were in continuous litigation. The employment in question was contractual in nature and the said contract having not been continued, the petitioners cannot claim that were entitled to be into the regular cadre and were governed by the Rules of 1998. In the absence of the petitioners having been given regular appointment to the said post and having been inducted to the cadre, the service rules would not get attracted.

17. I am thus of the opinion that there is no illegality or perversity in the orders passed by the Deputy Commissioner, Sonapat. However, in the event there is any substance to the claim made by the petitioners about the salary having not been paid for the period during which they worked, as per the period recorded by the Deputy Commissioner, Sonapat in his orders and the salary having not been paid, the petitioners shall be at liberty to take recourse by filing an appropriate petition before the authorities under the Payment of Wages Act, 1936. The same shall, however, not prejudice the rights of the respondents to take all objections with respect to the admissibility of the claim.

18. The present writ petition is accordingly **dismissed in limine**.

(VINOD S. BHARDWAJ)  
JUDGE

31.01.2025

Mangal Singh

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