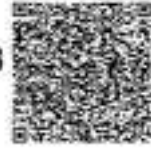


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2025:PHHC:033951-DB



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

**LPA-359-2023
Date of Decision: March 10, 2025**

Hira Lal and anotherAppellants

Versus

State of Punjab and others Respondents

**CORAM:- HON'BLE MRS. JUSTICE LISA GILL
HON'BLE MR. JUSTICE DEEPINDER SINGH NALWA**

Present: Mr. Ashok Kumar Sama, Advocate for the appellants.

Mr. Rohit Ahuja, DAG, Punjab.

LISA GILL, J.

1. Prayer in this appeal is for setting aside order dated 10.01.2023 passed by learned Single Bench whereby CWP-5926-2020, filed by present appellants (writ petitioners), has been dismissed.
2. Appellants (writ petitioners), filed abovesaid writ petition claiming regularization of their services against post of Pump Operators

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(Junior Technicians) in view of Policy dated 18.03.2011; decision dated 08.07.1996 in CWP-5366-1996 titled Balvir Singh versus The State of Punjab and others and decision dated 05.05.2006 in CWP-14160-1997 titled Sham Singh and others versus State of Punjab and others.

3. Writ petition filed by petitioners was dismissed by learned Single Bench while taking note of the fact that they did not fulfill requirements of State Regularization Policy dated 18.03.2011, inasmuch as they did not complete ten years of service as on December 2006. Aggrieved of decision dated 10.01.2023, present appeal has been filed.

4. Learned counsel for appellants vehemently argues that learned Single Bench has grossly erred on facts and in law while dismissing the writ petition filed by present appellants. Entire experience of appellants should have been taken in account including period rendered by them before gap of service of 13 years and 10 years respectively in respect to appellants. It is further submitted that pursuant to order dated 03.03.2020 passed in CWP-5926-2020, speaking order dated 11.06.2020 has been passed, which is also illegal and arbitrary and deserves to be set aside. Learned counsel submits that appellants do not wish to challenge speaking order dated 11.06.2020 separately but they be permitted to raise arguments in the present appeal itself, as speaking order dated 11.06.2020 has been passed during pendency of this appeal. This is not objected to by learned counsel for State. Learned counsel for appellants, thus, prays that in the given factual scenario this appeal be allowed and impugned order dated 10.01.2023 as well as speaking order dated 11.06.2020 be set aside.

5. Learned counsel for State has opposed the appeal and submitted that once appellants did not fulfill the requisite terms and conditions of Policy

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in question, their services could not have been regularized. Dismissal of the appeal is sought.

6. We have heard learned counsel for parties and have perused the file with their able assistance.

7. Learned counsel for appellant has fairly conceded that appellant No. 1 – Hira Lal was originally engaged as Pump Operator on daily wages on 01.12.1982 and he worked till 31.10.1984. He again started working on said post as daily wager w.e.f. 01.10.1997. Appellant No. 2 – Madan Lal also served as Pump Operator on daily wages from 01.03.1986 to 31.01.1987 and thereafter w.e.f. 01.10.1997 after a gap of more than ten years. Argument raised on behalf of appellants is that period of service rendered by them before the gap in service should be counted towards total service rendered by them and if this is so done, they complete ten years of service upto December 2006. We do not find any merit in this argument, which is, thus, rejected. Perusal of Policy dated 18.03.2011 (Annexure P2) clearly refers to the advice of Advocate General, Punjab to the effect that if in case of any appointment made before judgment of Hon'ble the Supreme Court in **Secretary, State of Karnataka and others vs. Uma Devi and others (2006) 4 SCC 1**, such employee is continuing to work regularly till then, he can be considered for regularization after fixing a particular number of years as the basis of regularization, as a policy measure. It is with reference thereto that it was decided by the State that those employees who had completed ten years of service upto December 2006 would be entitled for regularization of their service, subject to fulfillment of requisite terms and conditions, besides being qualified and eligible in all respects. We do not find any merit in the argument raised by learned counsel for appellants that there is no such condition

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prescribed in the Policy that it is a continuous period of ten years of service which is required, therefore, period of service rendered by writ petitioners before the gap of 10 to 12 years in their service should be considered. No such mandate is present in the Scheme, provisions of which have to be strictly construed. There is no scope for any presumption or assumption as is sought to be urged by learned counsel for appellants.

8. Another argument by learned counsel for appellants that benefit has been given to similarly situated persons with reference being made to some of orders of this High Court attached alongwith the writ petition, is equally devoid of any merit, for the reason that relief afforded in all these cases was in respect to educational qualifications on the ground that the employees therein, having rendered long years of service all above ten years and in certain cases even upto 25 years, could not be non-suited solely on this ground and that too when there was not even a whisper regarding any unsatisfactory work or dereliction in performance of their duties. Parallel thereto, in our considered opinion, cannot be drawn in the instant matter to claim benefit by appellants.

9. In the given factual matrix, learned Single Bench, with reference to case of **Uma Devi** (supra), has correctly held that Court should be slow in issuing the writ of mandamus directing regularization of services of the employees.

10. Learned counsel for appellants is unable to point out any illegality, infirmity or irregularity in impugned order dated 10.01.2023 which calls for interference.

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- 11. No other argument has been addressed.
- 12. Appeal being devoid of any merit is, thus, dismissed.

(LISA GILL)
JUDGE

March 10, 2025
Rts

(DEEPINDER SINGH NALWA)
JUDGE

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