



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

202

CWP-223-2000 (O&M)

Date of decision: 21.04.2025

Gurcharan Singh

...Petitioner

VERSUS

State of Haryana and others

...Respondents

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

Present :- Mr. Ravinder Malik (Ravi), Advocate for the petitioner(s).

Mr. Tapan Kumar, DAG Haryana.

VINOD S. BHARDWAJ, J. (Oral)

1. Challenge in the present petition is to the order dated 08.03.1999 whereby the representation of the petitioner for seeking regularization w.e.f. 01.02.1996 has been rejected. A further prayer for directing the respondents to regularize the services of the petitioner with all ancillary benefits of salary of regular *Beldar* w.e.f. 01.02.1996 and seniority etc. has also been made.

2. Learned counsel for the petitioner contends that the petitioner was initially engaged as a daily-wage Beldar with the respondent-Department on 01.06.1989 and he continued as such until June 1994, when his services were illegally terminated. Aggrieved of the said termination of service, a reference was filed. The said reference culminated in a settlement before the Labour Court, resulting in a consented award dated 10.06.1996



(Annexure P-5). As per the same, the respondent-authorities conceded that the petitioner (the workman in Labour proceedings) would be granted continuity of service for the period during which he remained out of service, and his case would be considered for regularization as per the State Government's Policy. The operative part of the award reads thus:

“STATEMENT OF SH. R. NATH WORKMAN REP

I have no objection to settle this case provided. I am allowed the benefit of continuity of service for the period for which the workman remained out of service and the case of the workman is considered for regularisation as per the policy of the State Govt.

*STATEMENT OF SH. K.K. NAIN SDO PWD WITH PREM
NATH A.D.A.*

I have heard the statement and accept the same.

In view of the statements made by the parties. The reference stands disposed of as fully settled. The parties shall be bound by the statements made in the court which shall form part of this award.”

3. Learned counsel contends that despite the statement made by the authorized representative of the respondent-Department, they have declined to extend the benefit of regularization to the petitioner with effect from 01.02.1996, even though similarly situated persons were given the benefit and were regularized. This denial of benefit was on the ground that the petitioner did not fulfill the requirement of having worked for 240 days in the preceding 03 years. He argues that the said objection raised by the respondent-State are no longer valid in light of the judgment of a Division



Bench of this Court in **LPA No. 688 of 2021**, titled '**State of Haryana and others Vs. Balwinder Singh and others**' and other connected matters, decided on 02.12.2022, as per which, the workman is entitled to claim the benefit of regularization by claiming the period of continuity of service by relating it back to the date of his disengagement and deemed w.e.f. initial engagement.

4. He further contends that this Court, in **CWP-2158-2020** titled '**Ashish Sharma and others Vs. State of Haryana and others**' and other connected matters, also held that the respondents' stance on computing the 240 days in the preceding 03 years of the coming into force of the Policy is also invalid. Hence, the respondent's objection in this regard should also be dismissed. The relevant extract of the above judgment reads thus:-

With respect to the condition of having three years of service with 240 days of work in each year as on the date an employee shall become eligible to claim regularization of his/her services in terms of the regularization policy dated 01.10.2003 or any other regularization policy, the services of the employee from the date of his/her initial appointment shall be considered for the purpose of qualifying the said condition. In case, the petitioners has worked for 240 days in any of the 3 years upto the date of regularization policy, said petitioners will be considered eligible under the policy in which the benefit has been claimed.

Further, in case, any employee junior to the petitioners, has been regularized in service, which fact in case is established before the respondent authorities by the petitioners, the said petitioners will get the right



of regularization of their services from the date when the services of the employee junior to them has been regularized if the said petitioners fulfills all the requisite of relevant regularization policy and respondent-State shall fix the date of regularization of such employee from the date his/her junior was regularized in service as has been directed in the case of Balwinder Singh (supra).

(emphasis supplied)

5. Learned State counsel is not in a position to dispute the applicability of the aforesaid judgments.
6. Hence, the present writ petition is **allowed**. The respondent-authorities are directed to re-ascertain the admissible benefits to the petitioner by treating the date of regularization as 01.02.1996.
7. The admissible benefits should be computed and released to the petitioner within a period of 04 months of receipt of a certified copy of this order. In case of any delay, the petitioner shall be entitled to interest at the rate of 6% per annum for the period of delay after expiry of the above period of 04 months.
8. All pending civil misc. application(s), if any, stand disposed of.

(VINOD S. BHARDWAJ)
JUDGE

21.04.2025
Mangal Singh

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