



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

432

CWP-1091-2004

Date of decision: 07.03.2025

ARCHANA AND OTHERS

.....Petitioners

VERSUS

STATE OF HARYANA AND OTHERS

.....Respondents

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

Present:- Mr. R.K. Malik, Senior Advocate with
Mr. Kartikey Chaudhary, Advocate
for the petitioners.

Mr. P.C. Goyal, Addl. A.G. Haryana.

VINOD S. BHARDWAJ, J. (Oral)

Challenging the order dated 24.12.2003 passed by the respondents whereby the claim of the petitioners for regularization has been declined solely on the ground that the salary of the petitioners was being released from the contingency fund, the instant writ petition has been filed.

Learned Senior counsel appearing on behalf of the petitioners contends that while the eligibility of the petitioner for regularization on the policy of 1996 is not disputed, the denial of the claim was solely on the basis of the source of salary. He contends that the said issue has already been decided by a Division Bench of this Court in the matter of *“Hari Singh versus State of Haryana and*



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others” reported as **1998 (2) RSJ 749**. The relevant extract thereof reads thus:-

“5. After hearing Shri Sharma and Shri Parmod Goyal, we are convinced that the order Annexure P-9 passed by the respondent No. 2 refusing to regularise the services of the petitioner cannot be upheld because it is ex facie contrary to the directions given by the High Court. A bare reading of the order dated 31.3.1997 passed in CWP No. 16872 of 1996 shows that while deciding the previous writ petitions filed by Sudesh Kumar and the petitioner, the Court had taken cognisance of the plea raised by the respondents that the petitioners, who were appointed against the posts funded by amalgamated fund were not entitled to be regularised in terms of the instructions issued by the government. Rather, after taking note of the nature of duties performed by the petitioners and the length of service rendered by them, the Court gave an unequivocal direction to the respondents to regularise the services of the petitioners against the sanctioned posts of Clerks which were lying vacant. In view of this, it is not permissible for the respondents to contend that the petitioner is not entitled to be regularised in service because he was paid salary out of the amalgamated fund. The respondent No. 2, in our view, cannot refuse regularisation of the service of the petitioner on a ground which was not accepted by the High Court in the previous litigation.”

Learned counsel appearing on behalf of the respondent-State does not dispute that the source of salary from the contingency

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fund was the sole reason for denial of claim for regularization to the petitioner and that the claim of the petitioner would be covered in his favour by the Division Bench of this Court in the matter of ***“Hari Singh versus State of Haryana and others”***.

In view of the aforesaid, the present writ petition is allowed. The impugned order dated 24.12.2003 (Annexure P-7) is set aside. The respondents are directed to regularize the service of the petitioners w.e.f. the date their juniors have been regularized as per the policy dated 07.03.1996 and 18.03.1996. Let the needful be done within a period of three months of a receipt of certified copy of this order. The respondents shall also ascertain the consequential and financial benefits to the petitioners. Let the said benefits be released to the petitioners within a further period of two months thereafter.

(VINOD S. BHARDWAJ)
JUDGE

MARCH 07, 2025*Vishal sharma*

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