

2025:PHHC:121947



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

**CWP-6176-2019
DECIDED ON: 08.09.2025**

RAJBIR SINGH

.....PETITIONER

VERSUS

STATE OF HARYANA AND OTHERS

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Jagjeet Beniwal , Advocate
for the petitioner

Mr. R.D. Sharma, DAG Haryana

SANDEEP MOUDGIL, J (ORAL)

1. The jurisdiction of this Court has been invoked under Article 226 of the Constitution of India for issuance of a writ in the nature of mandamus seeking directions to the respondents for regularizing the service of the petitioner from the date of his appointment i.e., 21.02.2002 instead of 19.03.2006 as done in the other similar situated cases of co-employees of the petitioner with a further prayer to direct the respondents to release all consequential benefits after regularizing his services from 21.02.2002.

2. Learned counsel for the petitioner places reliance on a judgment of this Court rendered in *CWP No. 22516 of 2012, titled "Mohinder Singh and others vs. State of Haryana and others"*.

3. On the other hand, learned State counsel refers to the written statement dated 13.02.2020, wherein the claim raised in the present petition has been contested on the ground that the petitioner was initially engaged on a contractual basis in the year 2002, and not on a regular basis.

4. It is submitted that the service conditions for the posts of drivers and conductors are governed by the Haryana Transport Department (Group-C) Haryana Roadways Service Rules, 1995 (hereinafter referred to as “the 1995 Rules”), which were duly notified on 06.01.1995, having been framed under the constitutional framework of Article 309 of the Constitution of India.

5. Under Rule 9(1)(g) of the 1995 Rules, recruitment to the post of Heavy Vehicle Driver is prescribed. Similarly, Rule 9(1)(i) provides for recruitment to the post of Conductor, which may be through direct recruitment, transfer, or deputation. Appendix 'B' of the said Rules stipulates the requisite academic qualifications and experience for such recruitment. Further Rule 4(2) of the 1995 Rules mandates that appointments shall be made through the Haryana Subordinate Services Selection Commission (HSSC) or any other competent recruiting authority.

6. Learned State counsel also refers to the amendment notification dated 04.08.2003, whereby the 1995 Rules were amended to create four categories of drivers, namely Driver Grade-I, Grade-II, Class-A, and Class-B. It is clarified that the said amendments were prospective in nature and were similarly applicable to the post of Conductor.

7. With regard to the petitioner’s prayer for regularization of service from the date of initial contractual engagement, learned State counsel submits that in the case of Mohinder Singh (supra), which has been affirmed by the Hon’ble

Supreme Court, the petitioners were held entitled to the regular pay scale but not to regularization of service from the initial date of joining. In compliance with the said judgment, necessary orders have already been passed vide order dated 18.09.2018 (Annexure R-1), granting the petitioner the regular pay scale w.e.f. 21.02.2002, i.e., in the pay scale of ₹4000–4800EB–100–6000.

8. As regards the contention of the petitioners that similarly situated employees have been granted the benefit of regularization of service from the date of initial contractual appointment, it is observed that no specific pleadings have been made in this regard in the writ petition, nor was any material placed on record or pointed out during the course of hearing in support of this assertion.

9. In the absence of any substantiating material, this Court is left with no option but to decline the said prayer.

10. Accordingly, the writ petition stands dismissed, with no order as to costs.

(SANDEEP MOUDGIL)
JUDGE

08.09.2025
Meenu

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