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

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**CWP-6929-2020 (O&M).
Date of Decision: 24.02.2025.**

PARDEEP KUMAR

... Petitioners

Versus

STATE OF HARYANA AND OTHERS

... Respondent(s)

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

Present: Mr. Jitender Nara, Advocate,
for the petitioner.

Mr. Tapan Kumar, DAG, Haryana.

VINOD S. BHARDWAJ, J. (ORAL)

Seeking regularization of the services of the petitioner w.e.f.
31.01.1996 as per the policy dated 07.03.1996 and 18.03.1996, the instant
writ petition has been filed by the petitioner.

2 Learned counsel for the petitioner has argued that the petitioner
was appointed with the respondent department as a Mate on 01.01.1991 on
daily wages and he continued as such and worked till 30.12.2000 (wrongly
typed as 2010) when his services were illegally terminated. The order of
termination of services of the petitioner was challenged by the petitioner
before the Industrial Tribunal-cum-Labour Court, Rohtak after the

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conciliation proceedings failed in a settlement. The said reference was finally allowed in favour of the petitioner and vide award dated 08.02.2012, the following relief was granted: -

“14. In view of my finding on the foregoing issues, it is held that the services of the workman have been terminated illegally, therefore, he is held entitled to be re-instated on her previous post with continuity of service and 50% back wages from the date of demand notice i.e. 26.07.2003. In this way this reference is decided in favour of the workman and against the respondent/management. Award is passed accordingly. File be consigned to record room.”

3 The petitioner was ordered to be reinstated on his previous post with continuity of service and 50% back wages from the date of demand notice i.e. 26.07.2003. He contends that the respondent-State challenged the said award by filing CWP No.20513 of 2012, however, the said writ petition was dismissed by this Court vide judgment dated 03.10.2018 and the award passed by the Industrial Tribunal-cum-Labour Court was upheld. The LPA (Letters Patent Appeal) No.367 of 2019 filed against the same was also dismissed vide order dated 10.04.2019. The petitioner has now claimed regularization w.e.f. the date his juniors were regularized under the Regularization Policy of 1996. The claim submitted by the petitioner has been specifically pleaded in paras No.4 and 20 of the writ petition. The relevant extract thereof reads thus:-

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“4. Even some juniors of the petitioner namely Jai Parkash S/o Dalip Singh, R/o Village Bhaproda, Ranbir S/o Partap R/o Village Dubaldhan and Jai Parkash S/o Sh. Kali Ram were still working with the respondent department and even their services were regularized. The respondents failed to adhere to the procedure of "last come - first go". So, the reinstatement with full back wages along with continuity of service was prayed for.

xxx xxx xxx

20. That the petitioner made a representation in May, 2019 after the dismissal of the respondent's LPA vide P-3 and prayed for regularization of his services from the date he was entitled to i.e. 31.01.1996 and he also served a legal notice dated 17.07.2019 for regularization of his services from the date he became entitled or at least from the date when his juniors were regularized. Even thereafter the petitioner met the respondents and prayed for the regularization of his services, but all in vain except the bare assurances. The petitioner is running from pillar to post with no fault on his part. Therefore, he craves for the kind indulgence of this Hon'ble Court. A copy of the legal notice dated 17.07.2019 is annexed herewith as Annexure P-9.”

4 Reliance is also placed on the averments made in para No.20 of the writ petition to contend that it was also specifically pleaded by the petitioner that he fulfilled the conditions as prescribed in the policy of 07.03.1996 and 18.03.1996 and that the specific pleadings of the petitioner about his juniors having been regularized and that he fulfilled the terms and conditions prescribed under the policy of regularization was not disputed or

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denied. The reply filed by the respondents to paras No.4 and 20 is extracted as under:-

“4. That the content of para no. 4 of the writ petition in respect of demand notice of the petitioner and contents thereof are matter of record and need no reply.

xxx xxx xxx

20. That the contents of para no. 20 of the writ petition are matter of record and need no reply.”

5 It is thus claimed that the respondents cannot deny the regularization benefit which became admissible to the petitioner under the policy of 1996 w.e.f. the date when his juniors were regularized.

6 Learned counsel for the respondent-State, however, submits that certain facts appear to be amiss in the said reply but he is not in a position to dispute that the claim of the petitioner is not denied or disputed in the written statement filed by them including that he fulfills the requisite terms and conditions of the Regularization Policy of 1996. The plea of the petitioner that his juniors have been regularized by the respondents under the Policy of 1996 also remains undisputed. It is also not in dispute that the order dated 30.12.2000 terminating the services of the petitioner was held to be bad by the Labour Court vide its award dated 08.02.2012 and in subsequent writ petition as well as the LPA. The SLP filed also stands dismissed by the Hon’ble Supreme Court of India.

7 Under the given circumstances and aforesaid undisputed facts, the present writ petition deserves to be allowed. The respondents are directed

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to consider the case of the petitioner for regularization in terms of the policy dated 07.03.1996 and 18.03.1996 w.e.f. the date of regularization of his juniors with all the consequential benefits notionally w.e.f. the date when the same were released to the juniors.

8 Let the appropriate orders be passed within a period of 04 months of receipt of a certified copy of this order.

February 24, 2025.
raj arora

(VINOD S. BHARDWAJ)
JUDGE

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