

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

2025:PHHC:157199-DB



LPA-685-2020 (O&M)

Date of Decision: 12.11.2025

Surinder Kumar

...Appellant

Vs.

Union of India and others

...Respondents

**CORAM: HON'BLE MR. JUSTICE ASHWANI KUMAR MISHRA
HON'BLE MR. JUSTICE ROHIT KAPOOR**

Present: Mr. Amit Kumar Sethi, Sr. Advocate with
Ms. Kajal, Advocate for the appellant.

Mr. Anil Chawla, Sr. Panel Counsel for UOI.

Mr. Sanjeev Ghai, Advocate for respondents No.2 to 4.

ASHWANI KUMAR MISHRA, J. (Oral)

1. This appeal arises out of an order passed by the learned Single Judge dated 12.02.2020, whereby the writ petition filed by the appellant came to be disposed of.

2. Undisputed facts of the case are that the appellant was initially appointed as a Driver in 1989. He approached this Court in the year 1994, seeking protection of his continuous employment and regularization. In the writ petition, an interim order came to be passed in favour of the appellant. Ultimately, the writ petition of the appellant came to be disposed of on 15.05.2014, by passing the following orders:-

“Accordingly, this petition is disposed of with a direction to respondents No.2 and 3 to consider the case of the petitioner for

regularization of his services within three months of the receipt of certified copy of this order. ”

3. It is pursuant to the aforesaid order that the respondents have considered the appellant's claim for regularization. Two subsequent orders in that regard have been brought on record. First order is dated 07.08.2014, which records that in compliance of the judgment of this Court, the services of the appellant are regularized as Driver with immediate effect. The second order is the order of appointment offered to the appellant dated 29.08.2014, whereby the appellant has been placed on probation for a period of two years. Therefore, a substantive appointment has been offered to the appellant.

4. The grievance of the appellant is that he was already working since 1989 and, therefore, the benefit of regularization ought to have been extended to him from a previous date. For such purposes, the appellant relies upon two policy documents contained in Annexure P/2 and P/5. In the writ petition, it has also been asserted that the persons junior to the appellant have already been regularized.

5. Reply has been filed by the respondents stating that not only benefit of regular employment has been extended to the appellant but his earlier working on daily wage basis has been taken into consideration for extending him the benefit of pension as per 'old pension scheme'. In para 15 of the reply on merits, such assertions have been specifically made. It is also the case of the respondents that the benefits admissible to the appellant, have already been extended. Two orders in that regard contained in Annexure R-4/2 and R-4/3 have been placed on record, according to which, the appellant has been allotted GPF account number and the extract from the service book

has also been reproduced at page 73, according to which, the entire length of the appellant working with effect from 21.06.1991 upto 2014, is counted towards qualifying service for the purposes of pension. It is, therefore, the case of the respondents that no further relief is liable to be extended to the appellant.

6. Per contra, learned senior counsel for the appellant argues that if regularization is granted from an interior date, the salary fixed for the appellant would be higher as has been done for others.

7. We have heard learned counsel for the parties and perused the materials on record. It is by now well settled by virtue of the judgment of the Supreme Court in *Secretary State of Karnataka V/s Uma Devi and others'* *[2006 (4) SCC 1]* that relief in the nature of regularization can be granted only in accordance with applicable policy and rules. The two policies which have been relied upon are contained in Annexure P/2 and P/5. So far as Annexure P/2 dated 05.07.1990, is concerned, it only provides that none of the vacant post shall be filled except in the manner stipulated in the policy.

8. We have perused this policy which does not appear to be a policy providing for regularization. It merely specifies the manner in which vacancies are to be filled up.

9. The other policy relied upon by the appellant is contained in the order dated 11.05.2012, which in fact is the policy providing for regularization. The prayer for regularization has also been made by the appellant in terms of such policy. This policy has already been relied upon and the respondents have granted benefit of regular appointment to the appellant in terms of directions issued by this Court on 15.05.2014 in CWP-3956-1994. There is no direction issued in the previous writ filed by

the appellant for granting benefit of regularization from a prior date. Even otherwise, we find that the interest of the appellant has been adequately protected as his length of service from 1991 has been counted towards qualifying service for the purposes of payment of pension.

10. In such circumstances, we find that there is no illegality in the impugned judgment disposing of the writ petition without issuing any further direction for grant of regularization from a previous date. The appeal lacks merit and is accordingly dismissed.

11. All pending misc. application(s), if any, also stand disposed of.

(ASHWANI KUMAR MISHRA)
JUDGE

(ROHIT KAPOOR)
JUDGE

12.11.2025
rajesh

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| 1. Whether speaking/reasoned? | : | Yes/No |
| 2. Whether reportable? | : | Yes/No |