



CM-3749-CWP-2024 in/&
CWP-19733-2003 (O&M) -1-

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CM-3749-CWP-2024 in/&
CWP-19733-2003 (O&M)
Date of Decision :22.01.2025

Vijay Kumar Arora

...Petitioner

Versus

State of Punjab and others

....Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Vijay Pal, Advocate for the petitioner

Ms. Akshita Chauhan, DAG, Punjab.

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Harsimran Singh Sethi, J. (Oral)

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1. Present application has been filed for fixing the actual date of hearing in the main writ petition.
2. Notice of the application was issued to the respondents.
3. Keeping in view the averments made in the application, which are duly supported by an affidavit, application is allowed. Main petition is taken on board for hearing.

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1. In the present petition, grievance being raised by the petitioner is qua the impugned order dated 07.05.2002 (Annexure P/10) passed by the respondents by which, the services of the petitioner has been regularized with effect from the year 2002.



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2. The claim of the petitioner is that his services are liable to be regularized with effect from the year 1986 i.e. when he completed more than five years in service, keeping in view regularization policy issued by the State of Punjab dated 17.12.1974 (Annexure P/3).

3. Learned counsel for the petitioner submits that the petitioner joined the service on work charge basis in the year 1981 and as per the Instructions dated 17.12.1974 (Annexure P/3) issued by the respondent-State, his services were liable to be regularized, which benefit has not been granted to him and hence, the respondents are under an obligation to grant the petitioner said benefit keeping in view the instructions dated 17.12.1974 (Annexure P/3) and order passed by the Hon'ble Supreme Court of India in **Civil Appeal No.1975-2002 titled as Vijay Kumar Arora vs. State of Punjab and others.**

4. Upon notice of motion, the respondents have filed reply, wherein, the respondents have stated that the services of the petitioner have been regularized keeping in view the order passed and once the services of the petitioners have already been regularized, the grant of antedated benefit is not admissible.

5. Learned counsel for the respondents further submits that nothing has come on record that all the conditions required under the regularization policy dated 17.12.1974 (Annexure P/3) were fulfilled keeping in view the fact that as per policy regular post should be available.

6. I have heard learned counsel for the parties and have gone through the record with their able assistance.

7. The petitioner's services have already been regularized and he



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has already retired from service. Further, learned counsel for the petitioner stated that starting from year 1981, the petitioner was given regular pay scale of Rs.3120-5160 with initial start of Rs.3220/- of the post of Typist posted in Provincial Division PWD/B & R Branch, Ferozepur. Keeping in view the said fact, once, the petitioner was already getting regular pay starting from the initial date of appointment, the question of retrospective regularization of service will not give him any additional benefit. As per the settled principle of law settled in **Kesar Chand vs. State of Punjab and others, AIR 1988, P & H 265** the service which an employee renders prior to his/her regularization, is to be treated as qualifying service for computing the pensionary benefits.

8. Even otherwise, nothing has come on record that all the requisites of policy dated 17.12.1974 (Annexure P/3) were fulfilled as the petitioner has not been able to prove that there was any regular post available for regularization in 1986 of his services. As a direct consequence, once, nothing has come on record qua the availability of a regular post, question for the grant of benefit of regularization from retrospective effect does not arise.

8. Keeping in view the facts and circumstances recorded hereinbefore, no ground for interference by this Court is made out and the present writ petition is accordingly dismissed.

January 22, 2025
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No