



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CWP-17880-2021 (O&M)

Date of decision: 07.05.2025

Sunil Kumar

...Petitioner

VERSUS

State of Haryana and others

...Respondents

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

Present :- Ms. Jaishree Kaushik, Advocate for
Mr. Ajay Chaudhary, Advocate for the petitioner(s).

Mr. Tapan Kumar, DAG Haryana.

VINOD S. BHARDWAJ, J. (Oral)

Seeking regularisation of service under the Policy of 2003 instead of Policy of 2014, the instant writ petition has been filed by the petitioner.

The undisputed facts which emerge from the present petition are that the petitioner was appointed as *Beldar/Keyman* with the respondent-Department on 16.06.1999, his services was terminated on 01.09.2008 against which a reference was made to the Labour Court. The reference No.70 of 2009 was eventually answered in favour of the petitioner vide award dated 05.07.2013 directing the re-instatement with all other consequential benefits but for the back wages. The petitioner was thereafter re-instated in service and he submitted a claim for regularisation of his services. Vide office order endorsed on 29.06.2016 (Annexure P-6), services of the petitioner were regularised w.e.f. 01.07.2014. The petitioner



is stated to have contacted the authorities regularly for his regularisation w.e.f. 01.10.2003 instead of 01.07.2014 but as the needful was not done, a legal notice dated 19.09.2019 was served upon the respondents which was declined.

Learned counsel appearing on behalf of the petitioner contends that the petitioner had continuously worked on the post of Beldar from 16.06.1999 till 01.09.2008. Hence, he was held eligible for being regularised in terms of the Policy dated 01.10.2003, however, as the said benefit had not been extended at the time when the petitioner was still continuing in service and eventually his services were terminated, therefore, the conferment of the benefits was delayed. Eventually, the award dated 05.07.2013 was passed in his favour, whereupon he was re-instated with continuity in service, hence, the petitioner became entitled to the benefits as accrued to him under the Policy dated 01.10.2003. Reliance is placed on the judgment dated 30.07.2018 passed in CWP-13617-2016 titled as 'Jai Ram and others Vs. State of Haryana and others'.

Even though the learned State counsel contends that there is an inordinate delay on the part of the petitioner in approaching this Court for seeking regularisation under Policy dated 01.10.2003, however, he is not in a position to dispute that the services of the petitioner were terminated on 01.09.2008 and at no point prior thereto, any order of regularisation was passed by the respondents even though the respondent-State was obligated to consider the cases of all employees under the Policy which was in force. Be that as it may, the petitioner had to thereafter pursue his right to continue to



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serve by challenging the order of termination which eventually culminated in his favour vide award dated 05.07.2013. The respondent authorities thereafter also did not consider the claim of the petitioner under the applicable Policy which created the right in his favour at the first instance, instead, the regularisation order was passed against the Policy of 2014 and that too in June-2016. A representation followed by legal notice was sent by the petitioner immediately upto 19.09.2019 followed by institution of instant writ petition. It cannot thus be said that the order of regularisation w.e.f. 01.07.2014 having been passed in 2016 and the writ petition having been filed in the year 2021 after approaching and pursuing the Department, that the claim is highly belated and should be declined only on the ground of delay and laches. He is not in a situation to dispute that the claim of the petitioner would otherwise be identical to the case of the petitioner(s) in the matter of **Jai Ram and others (supra)**.

The present petition is accordingly allowed in favour of the petitioner in terms of the judgment passed in the matter of **Jai Ram and others (supra)**

(VINOD S. BHARDWAJ)
JUDGE

07.05.2025

Mangal Singh

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