

2025:PHHC:088322



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

208

CWP-20896-2013

Date of Decision: 16.07.2025

RATTAN SINGH

... Petitioner

VERSUS

STATE OF HARYANA AND OTHERS

... Respondents

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

Present: Mr. Gursher Singh Dhillon, Advocate
for the petitioner.

Mr. Vivek Chauhan, Addl. A.G., Haryana.

VINOD S. BHARDWAJ, J. (ORAL)

Seeking issuance of directions to the respondents to treat the petitioner as regular w.e.f. 01.10.2003 and to grant him the consequential financial benefits at par with other similarly placed employees, the instant writ petition has been filed.

Learned counsel for the petitioner contends that petitioner was appointed in 1988 on daily wages. The respondent-State notified the policy for regularization in the year 2003 under which the case of the petitioner was to be considered. Since the respondents did not extend the benefit of regularization to the petitioner, he filed Civil Writ Petition No.5513 of 2005, which was disposed of in terms of the *Division Bench Judgment dated 20.10.2005* in the matter of

Vinod Vs. State of Haryana and Others passed in *CWP No.6021 of 2005*. The said order reads thus:

“This order shall disposed (sic) of bunch of writ petitions as the common question of law and facts are involved.

The petitioner claims that he had put in three years of service in different years during the course of his long employment and as such his case is covered by the judgments of the Division Bench of this Court in Kavita Gandhi v. State of Haryana and others 1997(4) RSJ 760 and Tek Chand v. State of Haryana, 2002(1) SCT 308, in which it has been held that any three years of service would be relevant for considering the case of an employee for the purposes of regularization of his services and not specifically the three years preceding the cut off date fixed by the Policy for regularization.

In view of the above, we direct the respondents to reconsider the petitioner’s case in this background. We further direct that till such time the petitioner’s case is decided, his services will not be dispensed with. We, however, make it clear that in case the petitioner’s services are regularized and if subsequently the same are found to be redundant, the respondents would be at liberty to retrench him as per due procedure.

The writ petition is allowed in the above terms.”

It is contended that pursuant to the aforesaid order, the respondents considered the entitlement of the petitioner and specifically held in their order dated 27.04.2007 that the petitioner was entitled to the benefit of regularization w.e.f. 01.10.2003. The operative part thereof reads thus:

“After that this office vide letter no. 3848 date 8.1.2007 had sought advice from the office of Principal Chief Conservator of Forest Haryana Panchkula while detailing out all the facts of the case as to which action is to be taken in view of the directions passed in

CWP No. 5513 of 2005. The office of Principal Chief Conservator of Forest Haryana Panchkula vide its letter no. 90 date 4.4.2007 directed this office that by complying with the order of Hon'ble High Court by issuing speaking order if the worker fulfill all the condition, letter be issued to them with a copy to this office. The case of the worker have been considered and decided in terms of Kavita Gandhi v/s State of Haryana and others 1997 (4) RSA 760 and Tek Chand v/s State of Haryana 2002 (1) SCT 308. From the analysis of the case keeping in view the Govt. notification no. GSR 24/CONS/ART/109/03 Date 1.1.2003 amended on 10.2.2004 policy, it is found that the worker is entitled to be regularized with effect from 1.10.2003. But because there was no vacancy in Group D there is necessity to get the vacancy created for this purpose a proposal is being sent to the higher officers to get a post created from the Govt. The moment the proposal is accepted by the Govt. regarding creation of post, the proceeding for regularization of the services of the worker shall be initiated. Whatever conditions and orders shall be received from the Govt. regarding this, those will be made applicable upon the worker.”

He submits that the respondents acknowledged the entitlement of the petitioner for regularization also in the subsequent decision taken in the meeting under the chairmanship of Dr. Barvez Ahmed, I.F.S., Principal Chief Conservator of Forests on 17.02.2011, however, the benefit was declined to the petitioner since the policy of regularization had been withdrawn in the year 2017. It is submitted that subsequently, the order whereby the regularization policy was withdrawn also stood withdrawn and as such, the petitioner becomes entitled to the benefit of regularization w.e.f. 01.10.2003. It is submitted that the writ petition of the petitioner was disposed of in terms of the order passed in the matter of **Vinod (supra)** and the said Vinod himself has been regularised. Thus,

parity ought to be extended to the petitioner and the said benefit cannot be denied to him solely because the respondents did not take a timely action in accordance with law.

The aforesaid factual aspects are not disputed by the learned State Counsel, and he is not in a position to differentiate the claim of the petitioner from that of Vinod to whom the benefit of regularization has been granted.

In view of the above, the instant writ petition deserves to be allowed. Resultantly, the respondents are directed to treat the petitioner as regular w.e.f. 01.10.2003. The financial benefits admissible to the petitioner from the said date of regularization w.e.f. 01.10.2003 be calculated by the respondents within a period of three months of receipt of certified copy of this order and the same shall be disbursed to the petitioner within a further period of two months. In case the needful is not done within the time frame stipulated above, the petitioner shall be entitled to interest @ 6% per annum from the date of filing of the instant writ petition till actual disbursement. The State would be at liberty to recover the additional financial liability on account of interest, if any, from the officials/officers who delayed the execution of the order without any just cause.

Petition is allowed accordingly.

JULY 16, 2025.

Rajender

**(VINOD S. BHARDWAJ)
JUDGE**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No