

2025:PHHC:082524



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

225

CWP-17969-2021
Date of Decision: 09.07.2025

KISHAN SINGH

... Petitioner

VERSUS

STATE OF HARYANA AND OTHERS

... Respondents

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

Present: Mr. Sachin Gupta (Ladwa), Advocate
for the petitioner.

Mr. Rahul Dev, Addl. A.G., Haryana.

VINOD S. BHARDWAJ, J. (ORAL)

Aggrieved of the order dated 31.07.2018 passed by the Director Ayurveda, whereby, despite being eligible, the claim of the petitioner for regularization has been declined on the ground that there was no sanctioned post available, the instant writ petition has been filed.

It is evident from a perusal of the order that the respondents do not dispute the eligibility of the petitioner, however, in the “remarks” column, it has been specifically mentioned that since the sanctioned posts are not available, consequent upon the regularization of the officials mentioned in the appendix thereto, the petitioner cannot be regularized.

The position in law has been well settled in a catena of judgments including the judgment in the matter of ***Raj Pal Singh Versus State of Haryana and Others***, bearing ***CWP No.5617 of 2021*** decided by a Co-ordinate Bench of this Court on ***15.05.2024***, wherein it has been specifically held that the ground of non-availability of sanctioned post cannot be a ground to deny the benefit of regularization notified vide a policy. Once the Regularization Policy has been framed by the respondents, the persons who are eligible, have to be considered and the said benefit has to be extended to them by holding that such post which has been occupied for long duration would be deemed as regular. Besides, similarly placed persons have already been regularized and posts are lying vacant.

In view of the undisputed position in law laid down in the judgment of ***Raj Pal Singh (supra)***, the impugned order dated 31.07.2018 is hereby set aside. The respondents are directed to regularize the service of the petitioner w.e.f. the date when his juniors were regularized. All consequential benefits be also released in favour of the petitioner w.e.f. the said date when similarly placed persons were regularized, within a period of three months of the receipt of certified copy of this order.

Petition stands allowed accordingly.

JULY 09, 2025.

Rajender

**(VINOD S. BHARDWAJ)
JUDGE**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No