



CWP-15220-2025

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131 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-15220-2025

Date of Decision: 26.05.2025

DEEP CHAND

..... Petitioner

Versus

STATE OF HARYANA AND ANOTHER

..... Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: Mr. Munfaid Khan, Advocate for
Mr. Deepak Grover, Advocate for the petitioner.

Ms. Rajni Gupta, Addl. AG, Haryana.

JAGMOHAN BANSAL, J. (Oral)

1. The petitioner through instant petition under Articles 226/227 of the Constitution of India is seeking direction to respondent to regularize him w.e.f. 01.02.1996 instead of 2014.
2. The petitioner joined respondent as Sewerman in 1993. He was regularized vide letter dated 22.08.2014 as Sewerman. In the aforesaid letter, it was mentioned that he has been found eligible in interview and shall not be given any excess salary/benefit with respect to past service period.
3. Learned counsel for the petitioner submits that petitioner was eligible to be regularized as per policy of 1996. Similarly situated persons were regularized as per said policy. The respondent wrongly regularized him as per policy of 2014.
4. This Court vide judgment dated 22.01.2025 passed in bunch of petitions including *Civil Writ Petition No.10071 of 2022* titled as '*Sanjeev Kumar Vs. State of Haryana and others*' has rejected identical contention of petitioners therein. Case of petitioner is squarely covered



by said judgment. The relevant extracts of judgment are reproduced as below:

“35. *The petitioners claim that they joined the respondent prior to 2003 as Daily Wager. They continued to work till their date of superannuation. They, from time to time, made representation to the respondent to regularize them as per policy of 2003 followed by policy of 2011. Their case was again considered in 2014 and they were regularized in 2014.*

36. *Learned counsel for the petitioners submit that petitioners were entitled to regularization as per policy of 2003 as well as 2011. They were considered for regularization as per those policies, however, never extended benefit which was though extended to similarly situated employees. They had objected to their regularization in 2014. The appointment letters of 2014 and their affidavits cannot deprive them from their valuable right accruing from 2003 policy. The similarly situated employees were regularized as per policy of 2003, thus, there would be violation of Articles 14 and 16 of the Constitution of India if they are not regularized from 2003.*

37. *The petitioners are heavily relying upon different judgments of this Court. They are further claiming that by different judgments, Single Judges as well as Division Benches have held the employees entitled to regularization w.e.f. 01.10.2003 as per policy of 2003. From the perusal of judgments cited by the petitioners, it is evident that there is no case where a Coordinate or Division Bench of this Court has adverted to factum of regularization of employees of Municipal Corporation in 2014 and thereafter ordered to regularize as per policy of 2003. No Bench has considered the fact that petitioners accepted terms and conditions of appointment letter and furnished affidavit to this effect. The petitioners at this belated stage are claiming that they are*



Class-IV employees and under compelled circumstances accepted appointment letter as well as furnished affidavit. Copy of one such appointment letter and affidavit is reproduced as below: -

Appointment Letter: -

“From

*Commissioner,
Municipal Corporation, Faridabad.*

To

*Shri Umed Singh S/o Shri Natthi Singh,
Village Daulpur, Faridabad.*

Memo No: MCF/EO/2014/4535

Date: 22/08/14

*Subject- Regarding regularization on the post of
Helper to Water Pump Operator.*

In compliance to the letter number 12/105/2014-5C1 dated 13.08.2014 of the Additional Chief Secretary, Haryana Government, Urban Local Bodies Department, after being found eligible after the interview conducted by this Corporation on 19.08.2014, you will be selected on the basis of the following conditions Regularly placed on the post of Helper to Water Pump Operator in the fixed pay scale of Pay Band 4440-7440+ Grade Pay Rs.1300 along with other allowances etc. which are payable from time to time as per the rules, regularized and placed on a probationary period of two years.

- 1. Your services during the period of service in the Municipal Corporation shall be governed by the Punjab Civil Services Rules, the Haryana Municipal Employees (Recruitment and Conditions of Service) Rules, 1998, the instructions issued by the Government from time to time and the rules adopted/to be adopted by this Corporation be operated under.*
- 2. If in the near future the Government will give you any instructions, policy regarding the said appointment changes will be automatically applicable to you.*
- 3. If your work and conduct is found unsatisfactory*



during the above probation period. So your services can be terminated.

4. *That you will give an affidavit to the effect that:-*

- a. *That if you are married, you have a wife living.*
- b. *You are not an employee dismissed from the office of any Central Government/State Government/Local Body etc.*
- c. *You are not convicted by any court in any criminal case.*

5. *You will have to get yourself medically examined by the Civil Surgeon, Faridabad. If you are found to be suffering from any disease or if you are found physically unfit for any other reason, you will be declared unfit for service by the Civil Surgeon, Faridabad, will not be kept in the services of.*

6. *You will be pre-character verification done by Haryana Police Department and if you are found unfit for government services by the police department for any reason, you will not be kept regularly in the services of the corporation.*

7. *The documents given by you at the time of interview will be scrutinized and found wrong. Appropriate action will be taken upon departure.*

8. *You will be appointed to any post in the State of Haryana on the orders of the Appointing Authority/State Government. Location/Department can be transferred to any place.*

9. *You will not be given any salary/benefits in addition to the salary etc. given to you before the date of regularization on 01.07.2014 and the claim made by you in this regard in future will not be valid in any way. You will have to give an affidavit attested by Executive Magistrate Ist Class.*

10. *Your services will be implemented under the Contributory Pension Scheme after regularization.*

11. *Will you be entitled to any travel expenses for the journey to be undertaken by you for joining the post?*



Traveling Allowance/Daily Allowance will not be given.

If you accept the conditions mentioned above, then you should submit its consent in writing and submit your joining report to the Chief Engineer within seven days, otherwise the said appointment letter will be considered cancelled.

Commissioner.”

Affidavit: -

I, Umaid Singh s/o Shri Natthi Singh, resident of Dayalpur, Tehsil Ballabgarh, District Faridabad, Haryana and I hereby solemnly declare that:

- 1. That I am a permanent resident of the above address.*
- 2. That I am married, my wife's name is Indravati, who is alive.*
- 3. That I am not an employee dismissed from the office of any Central Government / State Government/Local Body etc.*
- 4. That I am not convicted by any court in any criminal case.*
- 5. That I have neither been given nor will be given any salary/benefits other than the salary etc. given to me before the date of regularization on 01.07.2014, on which I have no objection.*
- 6. That the above statements are correct.*
- 7. That I have not been given, nor will be given any salary/benefits other than the salary etc. given to me before the date of regularization on 01.07.2014, on which I have no objection, and, I will not do any kind of club in future, if I do, it should not be considered valid.*

Deponent

Certified that all the statements in this affidavit are true to the best of my knowledge and belief and nothing has been concealed therein. dated 01.09.2014.

Deponent”

- 38. The petitioners, as per terms and conditions of the appointment letter, furnished their affidavit to the effect that*



they will not claim any other benefit. They, at this stage, want to resile from said affidavit despite the fact that they have already enjoyed fruit arising out of the appointment letter. They have got salary since 2014 as payable to regular employees. All the judgments cited by petitioners enunciate that no employee should be kept as temporary or adhoc for an indefinite period. There is no judgment which holds that an employee who was granted appointment letter as permanent employee from a particular date as per policy/decision, can claim regularization from retrospective date despite accepting permanent post and terms & conditions of appointment letter.

39. *From the perusal of appointment letter, it is evident that petitioner was appointed as regular employee on the post of Helper to Water Pump Operator. It was mentioned in the appointment letter that an interview was conducted on 19.08.2014 and he was found eligible in the interview. He was subjected to police verification as well as medical examination. In the terms & conditions, it was pointed out that he would not be entitled to any other benefit and he shall furnish affidavit to the effect that he would not demand any benefit in future.*

40. *In view of permanent appointment of the petitioners and their acceptance of terms & conditions of appointment letter, they waived their rights accruing from previous policies. They happily accepted terms and conditions of appointment letter and worked as per said letter. They cannot be heard to say that appointment letter must relate back to 2003 as per policy of 2003. The petitioners were not regularized in 2014 on the basis of past service whereas it was their fresh appointment as a regular employee though they were extended age relaxation. They were subjected to walk-in-interview and appointed after following prescribed procedure. If they are extended regular post from retrospective date, it would be contrary to their appointment*



letter and affidavit. It would also be contrary to principle of estoppel.

Conclusion: -

41. In the wake of above discussion and findings, it is hereby held:-

xxx xxx xxx xxx

vi. Any employee who has already been made permanent by way of appointment letters issued in 2014 shall not be entitled to benefit of previous policies of regularization.

Xxx xxx xxx xxx

42. All the petitions are hereby disposed of in above terms.”

5. Dismissed in terms of afore-cited judgment in **Sanjeev Kumar (supra)**.

(JAGMOHAN BANSAL)
JUDGE

26.05.2025
Ali

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No