



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

CWP-19113-2025

Date of Decision: 11.07.2025

KRISHAN KUMAR

..... Petitioner

Versus

STATE OF HARYANA AND OTHERS

..... Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present : Mr. Raman B. Garg, Advocate with
Mr. Mayank Garg, Advocate and
Mr. Chirag Mahajan, Advocate for the petitioner.

Mr. Raman Sharma, Addl. AG, Haryana
and as Advocate for respondent No.3.

JAGMOHAN BANSAL, J. (Oral)

1. The petitioner through instant petition under Articles 226/227 of the Constitution of India is seeking direction to the respondents to regularize him w.e.f. 01.04.1993 or in alternative w.e.f. 01.10.2003 with all consequential benefits. He is further seeking quashing of impugned order dated 17.04.2017 (Annexure P-9) whereby regularization w.e.f. 01.04.1993 has been rejected.

2. The petitioner was appointed as regular employee vide appointment letter dated 22.08.2014. He accepted his appointment as regular employee and since then is working with respondent without any demur.

3. Learned counsel for the petitioner submits that petitioner is entitled to regularization as per policy of 1993 as well as 2003. He was considered for regularization as per those policies, however, never extended benefit which was extended to similarly situated employees. He had objected to his regularization in 2014.

4. From the perusal of appointment letter dated 22.08.2014



(Annexure P-5), it is evident that petitioner was regularized on the post of Beldar. 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 and 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.

5. In view of fresh appointment of the petitioner by letter dated 22.08.2014, the petitioner waived his rights accruing from previous policies. He happily accepted terms and conditions of appointment letter dated 22.08.2014 and worked as per said letter till the date of his superannuation. He cannot be heard to say that appointment letter dated 22.08.2014 must relate back to 1993 as per policy of 1993. The petitioner was not regularized in 2014 on the basis of past service whereas it was his fresh appointment as a regular employee after following prescribed procedure.

6. This Court in a bunch of petitions including ***CWP No.10071 of 2022*** titled as '***Sanjeev Kumar Vs. State of Haryana and others***' passed on 22.01.2025 has clearly rejected claim of similarly situated employees. The relevant extracts of the judgment are reproduced as below:

“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.”

7. In the wake of above discussion and findings, this Court is of the considered opinion that there is no substance in the contention of the petitioner. The petition being bereft of merit deserves to be dismissed and accordingly dismissed.

(JAGMOHAN BANSAL)
JUDGE

11.07.2025
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Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No