

2025:PHHC:082853



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

226-1

CWP-18384-2021

BRIJLAL AND OTHERS

... Petitioners

VERSUS

STATE OF HARYANA AND OTHERS

... Respondents

A N D

226-2

CWP-11638-2023

Date of Decision: 09.07.2025

BRIJLAL

... Petitioner

VERSUS

STATE OF HARYANA AND OTHERS

... Respondents

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

Present: Mr. Sachin Gupta (Ladwa), Advocate
for the petitioners in CWP-18384-2021.

Mr. D.S. Rawat, Advocate
for the petitioner in CWP-11638-2023.

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 petitioners for regularization has been declined on the ground that the names of the petitioners were not recommended through the Employment Exchange as well as for the reasons that there were no sanctioned posts available, the instant writ petition has been filed.

The counsel for the respective petitioners contend that the aforesaid reasons cited by the respondents are factually incorrect in view of the RTI information (Annexure P-11), which shows that there were sanctioned posts in every district, yet the claim of the petitioners was declined.

It is evident from a perusal of the impugned order that the respondents do not dispute the eligibility of the petitioners. The issue as to whether regularization can be denied on the grounds that the name of the employee was not sponsored by the employment exchange or vacancy is not sanctioned was under consideration of this Court in CWP-24316 of 2018 titled as **Jaswant Singh and Others Versus State of Haryana and Others** decided on 30.01.2020. Despite several issues and objections, regularization was ordered in the said case.

The position in law has been reiterated in a catena of judgments including the judgment of ***Raj Pal Singh Versus State of Haryana and Others***, baring ***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 to be a regular post. 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 judgments of ***Raj Pal Singh (supra) and Jaswant Singh (supra)***, the impugned order dated 31.07.2018 is hereby set aside. The respondents are directed to regularize the services of the petitioners w.e.f. the date when their juniors were regularized. All consequential benefits shall also be 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.

Petitions stand allowed accordingly.

JULY 09, 2025.

Rajender

**(VINOD S. BHARDWAJ)
JUDGE**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No