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

**CWP-35829-2019 (O&M)
Date of Decision:25.03.2025**

HARI RAM AND OTHERS

..... Petitioners

*Versus***STATE OF HARYANA AND OTHERS**

..... Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: Mr. G.S. Gopera, Advocate
for the petitioners.

Mr. Raman Sharma, Addl. AG, Haryana.

Mr. Rajesh Gaur, Advocate
for respondents No.2 and 3.

JAGMOHAN BANSAL, J. (Oral)

1. The petitioners through instant petition under Articles 226/227 of the Constitution of India are seeking direction to respondent to regularize them as per instructions dated 01.10.2003 (Annexure P-4).

2. There is a chequered history of the instant case. The petitioners joined respondent as part time Mali/Sweepers on 20.07.1995, 17.01.1997 and 22.02.1997 respectively. They preferred Civil Writ Petition No.17563 of 2002 before this Court seeking regularization. A Division Bench of this Court vide order dated 22.05.2005 allowed their writ petition. The respondents were directed to regularize the petitioners. The respondent did not comply with order passed by this Court and petitioners preferred execution application. The said application was allowed vide order dated 01.12.2011. The order dated 01.12.2011 is



reproduced as below:

“1. The execution application complains of a non-compliance of the direction given in the writ petition for regularization of the petitioners in the respondents' services. The petitioners are no doubt in service but according to the respondents, they have not been regularized since there are no posts available for regularization. Such a plea cannot avail to the respondents who have already suffered a decree and there has been a direction for regularization. The contention of the respondents that no posts exist must have been an issue brought before the Court before an adjudication was made and if the respondents were still aggrieved against a direction for regularization it could have been only by way of further appeal and for a reappraisal of the issue in the light of the contentions taken by the respondents. If the order in the writ petition has become final, the respondents cannot be heard to state that no posts exist to accommodate the petitioners on permanent posts. The respondents shall create supernumerary posts to regularize the petitioners. The order shall be complied with within a period of four weeks from the date of receipt of copy of the order. The petitioners are entitled to approach the Court for any further directions if the directions given now are not complied with.

2. The application is disposed of.”

3. The respondent preferred Civil Appeal No.10248 of 2013 before Supreme Court assailing order passed by this Court in execution application. Supreme Court vide order dated 01.11.2013 disposed of aforesaid appeal by passing order as below:

“Leave granted.



By virtue of the impugned order dated 01.12.2011 passed by High Court of Punjab and Haryana, the appellant has been directed to create supernumerary posts so as to regularize services of the respondents.

In our opinion, such a direction cannot be given as it would be contrary to law laid down by this Court. Therefore, we direct that if the respondents are eligible for being regularized as per the policy of the appellant-corporation, the needful shall be done by the appellant for regularization of the respondents in accordance with the policy, which might be followed by the appellant-corporation.

The directions given by the High Court is quashed.

The appeal is allowed with no order as to costs.”

4. The respondent considered case of petitioners, however, did not regularize them on the ground that no senior has been regularized and there is no sanctioned post.

5. Mr. G.S. Gopera, Advocate for the petitioners submits that Vir Bahadur is a similarly situated employee who was part of previous litigation and has been regularized pursuant to order dated 23.11.2023 passed by this Court in ***Civil Writ Petition No.18506 of 2016*** titled as ***‘Vir Bahadur @ Bir Bahadur @ Veer Bahadur Vs. State of Haryana and others’***.

6. On being confronted with order passed by this Court in ***Vir Bahadur (supra)***, Mr. Rajesh Gaur, Advocate for respondents No.2 and 3 expressed his inability to controvert the fact that case of petitioners needs to be considered in the light of said order. He also does not dispute the fact that Vir Bahadur was co-petitioner in the previous round of litigation.

7. In the wake of statement of both sides, the present petition stands disposed of with a direction to respondent to consider claim of



petitioners as per order dated 23.11.2023 passed by this Court in *Vir Bahadur (supra)* as well as order dated 01.11.2013 passed by Supreme Court. Let the needful be done within a period of 06 months from today.

8. Pending misc. application (s), if any, shall also stand disposed of.

(JAGMOHAN BANSAL)
JUDGE

25.03.2025
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Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No