



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

COC-5162-2025(O&M)
Date of decision: 01.12.2025

Birmati

... Petitioner

Versus

Vineet Garg and another

... Respondents

CORAM: HON'BLE MR. JUSTICE VIKRAM AGGARWAL

Present: Mrs. Jai Shree Kaushik, Advocate, for
Mr. Aryavart, Advocate,
for the petitioner.

VIKRAM AGGARWAL, J. (ORAL)

Short reply by way of an affidavit of Divisional Forest Officer, Jhajjar, on behalf of respondent No.2, filed in the Registry, is taken on record.

2. The petitioner alleges wilful disobedience of directions issued by a coordinate Bench vide order dated 13.03.2024, passed in CWP-6125-2017 (Annexure P-1):-

“43. In view of the above, the writ petitions are disposed of in the terms and conditions mentioned herein before. Let the respondent-State pass appropriate speaking order as directed herein before. In case, any of the petitioner is found entitled for regularization/retrospective regularization of services from the date employees junior to him/her has been regularized, they will be granted the said date of regularization otherwise due reasons be mentioned in the speaking order keeping in mind the directions given by the Court herein before so as to decide the eligibility of each petitioners qua their respective claims. Further in case any of the petitioners is found entitled for regularization of his services



retrospectively the said benefit shall be given notionally, no arrears will be granted to the petitioners up to the date of filing of the respective petitions. The petitioners will be entitled for fixing of their salaries from the date of regularization notionally and the arrears will only be extended from the date of filing of their respective petitions before this Court and if any of the petitioners has already retired, his/her pensionary benefits will also be fixed/revised and arrears will also be extended from the date of filing the petition by the said petitioner.”

3. As per the reply, a speaking order dated 04.01.2024 (Annexure R-1) had been passed and a copy thereof had also been sent to the petitioner by registered post. In the said speaking order, it has been held as under:-

“7. The petitioner namely Smt. Birmati W/o Sh. Ram Kumar, Resident of 9 village-Neemali, Tehsil - Charkhi Dadri, Distt. Bhiwani does not complete 240 days in any calander year before 01.10.2003 and does not fulfill the terms and conditions of the regularization policy dated 01.10.2003 as per judgement of Ashish Sharma & Others case. Only such daily wage employees, who have completed three years service on Group D post on 30th September 2003 and were in service on 30th September, 2003 shall be regularized against their respective Group-D posts provided they fulfill the requisite qualification and were originally appointed against vacant posts. Provided further, that they have worked for a minimum period of 240 days in each year and if the break in service of a daily wage employee has been caused for no fault attributable to him, such break period should be condoned unless it is of an



extraordinary longer period. However, if the break in service has been caused due to fault of the employee like abandonment of employment, the Govt. may not condone the same if the period of such break is more than a period of 30 days. Therefore the petitioners namely Smt. Birmati W/o Sh. Ram Kumar, Resident of village-Neemali, Tehsil- Charkhi Dadri, Distt.- Bhiwani does not fulfill the terms and conditions of regularization policy dated 01.10.2003.

Accordingly by considering the facts and record, I am of the considered opinion that the petitioner Smt. Birmati W/o Sh. Ram Kumar, Resident of village-Neemali, Tehsil-Charkhi Dadri, Distt. Bhiwani is not entitled for the benefits sought by her vide aforesaid Civil Writ Petition.

Hence, I order accordingly.”

4. That being so, learned counsel for the petitioner submits that the petitioner does not wish to press the instant contempt petition and shall, if so advised, avail all such other remedies as shall be admissible in law against the said order.

5. In view of the statement given by learned counsel for the petitioner, the present contempt petition is disposed of in terms thereof.

6. Pending application(s), if any, also stands disposed of.

(VIKRAM AGGARWAL)
JUDGE

December 1, 2025

Rajan

Uploaded on:

Whether speaking / reasoned:

Yes/No

Whether Reportable:

Yes/No