

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

115-2

CWP-10759-2025

RAJINDER KUMAR AND OTHERS

.....PETITIONERS

VERSUS

STATE OF HARYANA AND OTHERS

.....RESPONDENTS

1.	The date when the judgment is reserved	19.12.2025
2.	The date when the judgment is pronounced	21.01.2026
3.	The date when the judgment is uploaded	22.01.2026
4.	Whether only operative part of the judgment is pronounced or whether the full judgment is pronounced	Full
5.	The delay, if any of the pronouncement of full judgment and reason thereof.	Not applicable

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Maninder Arora, Advocate with
for the petitioner(s).

Mr. Deepak Balyan, Addl. A.G., Haryana.

SANDEEP MOUDGIL, J (ORAL)

1. By way of the writ petition bearing CWP No.10759-2025 petitioners are seeking quashing of impugned order dated 12.03.2025 (Annexure P-16) passed by respondent no. 4 vide which the claim of the petitioner for antedated regularization on the basis of Haryana Government Policy decision of 1979, dated 19.02.1979 (Annexure P-6) has been rejected whereas similarly placed employees have been granted antedated regularization by the respondent as per orders dated

17.02.1986 (Annexure P-7) and 19.12.2011 (Annexure P-8). Further a prayer for directing the respondents to grant the petitioner antedated regularisation along with consequential benefits on the basis of 1979 Policy.

The conspectus of Facts:

2. The petitioners are employees of the respondent Department, working as mechanics, tyre men, radiator repairers, blacksmiths and other workshop staff. They were initially appointed as Helpers on daily wage basis between September 1994 and December 1995 after due process of law and were subsequently regularized w.e.f. 01.10.2003. The grievance of the petitioners is that their services were not regularized from the date of completion of 240 days of continuous service as mandated under the Transport Department policy dated 19.02.1979, which provides for regularization of such categories of employees upon completion of 240 days.

3. Earlier, similarly situated employees approached this court in CWP No. 6315 of 1998 titled as ***“Jaimal Singh and others vs State of Haryana”*** this Court vide order dated 19.12.2011 (Annexure P-8) directed preponement of regularization in terms of the 1979 policy, which orders were upheld after dismissal of LPAs filed by the State, and duly implemented by the Department on 07.08.2012 (Annexure P-9).

4. The petitioners submitted representations dated 08.05.2024 and 15.09.2024 (Annexure P-15) seeking similar relief. Upon inaction, they approached this Court by way of CWP No. 25932 of 2024, which was disposed of on 14.10.2024 with a direction to decide the representations. In purported compliance thereof, the representations of some petitioners were rejected, while no

decision was taken in respect of others vide order dated 12.03.2025 (Annexure P-16).

6. A similar relief was sought by filing CWP-21768-2013 which was allowed by way of order dated 18.05.2016 and the same has been assailed in the in LPA-2381-2016 which was pending.

5. Aggrieved thereby, the present petition has been filed.

6. Heard counsel for both parties.

Backdrop of Proceedings

7. The present petition was admitted on 21.04.2025 and was to be listed after the final adjudication of LPA-2381-2016. On 04.11.2025, the petitioner filed an application under Section 151 of CPC for disposing of the petition in terms of order dated 25.04.2025 passed in LPA-713-2019 and order dated 01.05.2025 passed in LPA-2381-2016. Mr. Deepak Balyan, Addl. AG, Haryana was not in averse to the submission made by learned counsel for the petitioner and in view of the same, the present writ petition was listed for hearing.

Contentions

On behalf of petitioner

8. Learned counsel for the petitioners contends that the impugned order dated 12.03.2025 (Annexure P-16) is illegal, arbitrary and unsustainable in law, as it rejects the claim of the petitioners for antedated regularization despite the existence of a binding Government policy dated 19.02.1979, which mandates regularization of workshop staff upon completion of 240 days of continuous service.

9. It is argued that the petitioners are identically situated to employees who were granted such benefit pursuant to judicial pronouncements and denial of

similar relief to the petitioners amounts to hostile discrimination. The respondents have failed to assign any cogent or distinguishable reason for rejecting the claim of the petitioners while extending identical benefits to similarly placed employees, including pursuant to judgments in CWP-21768-2013 and connected LPAs decided on 25.04.2025 and 01.05.2025.

10. Learned counsel submits that the impugned order has been passed mechanically and in disregard of binding precedents of this Court, and therefore deserves to be quashed with a consequential direction to grant the petitioners antedated regularization along with all consequential benefits in terms of the 1979 policy.

On behalf of respondent

11. Learned State counsel submits that the impugned orders dated 12.03.2025 and 14.02.2025 have been passed after due consideration of the petitioners' representations in compliance with the directions of this Court and do not suffer from any illegality or arbitrariness. It is contended that the Haryana Government Policy dated 19.02.1979 was applicable only to Class-III employees appointed through Employment Exchange and who had completed the requisite qualifying service as on the date of issuance of the policy. The petitioners, admittedly, were appointed much later between 1993 and 1995 as daily wage Helpers, a Class-IV (Group-D) post, and not through a proper source of appointment. Hence, the 1979 policy is wholly inapplicable to them.

12. It is further argued that the petitioners were validly regularized w.e.f. 01.10.2003 under the subsequent regularization policy dated 01.10.2003, and their reliance on judgment dated 19.12.2011 is misplaced as those cases pertained to Ticket Verifiers appointed through Employment Exchange and stood on entirely

distinct facts. The said judgments do not confer any blanket right of retrospective regularization.

13. The State further submits that the issue stands conclusively settled by the Division Bench judgments dated 25.04.2025 in LPA-713-2019 and 01.05.2025 in LPA-2381-2016, wherein it has been categorically held that the 1979 policy has no application to employees who were not in service as on 19.02.1979. The petitioners' claim is also barred by gross delay and laches, as they accepted their regularization in 2003 and raised the present claim after more than two decades, rendering the writ petition liable to be dismissed.

Analysis

14. The core issue for determination is whether the petitioners are entitled to antedated regularization on the basis of Haryana Government Policy dated 19.02.1979, and whether rejection of their claim vide order dated 12.03.2025 (Annexure P-16) warrants interference of this court under Article 226 of the Constitution of India.

15. At the outset, it is undisputed that the petitioners were engaged as Helpers on daily wage basis between the years 1994 and 1995 and were ultimately regularized w.e.f. 01.10.2003 under the regularization policy then prevailing. Their claim for retrospective regularization is founded solely on the policy dated 19.02.1979.

16. A careful perusal of the policy dated 19.02.1979 reveals that it was intended to cover a limited class of employees who were already in service as on the date of issuance of the policy and who fulfilled the eligibility conditions prescribed therein. The said policy cannot be construed as a perpetual or continuing source of regularization for employees appointed decades later.

17. Admittedly, the petitioners were neither in service on 19.02.1979 nor fulfilled the eligibility criteria contemplated under the said policy.

18. The Division Bench of this Court, while deciding **LPA-2381-2016** titled as “***State of Haryana vs Sh. Kuldeep Singh***” on **01.05.2025 (Annexure P-19)**, has conclusively held that the 1979 policy does not apply to employees who have not completed atleast two years of service as on 13.02.1979 and that claims for antedated regularization raised on the basis of the said policy by employees appointed subsequently are legally untenable. The legal position has further been reiterated in **LPA-713-2019** titled as “***State of Haryana vs Hargian Singh***” decided on **25.04.2025 (Annexure P-18)**, thereby settling the controversy beyond any pale of doubt. Relevant extract of the same is under:

“However, we find that facts of each case were required to be noticed for the purpose of passing orders of regularization. We are in complete agreement with the counsel for the State so far as regularization Policy of 13.02.1979 is concerned, the same would have no application to the respondents who were not even found in service as on that date. Even otherwise, the criteria for regularization was that a person must have completed at least two years of service as on 13.02.1979 which ofcourse the respondents could not have completed since they were found in service only after 1984 or thereafter. The dates of their appointment have been noticed by us only to avoid if anyone of them would come within the ambit and four corners of the earlier Policy of regularization.”

19. The reliance placed by the petitioners on earlier judgments granting relief to similarly situated employees is misconceived. The doctrine of parity cannot be invoked in disregard of binding judgments of the Division Bench, particularly when such earlier reliefs were granted either prior to authoritative pronouncements or on materially different factual matrices. Negative equality has no recognition in law.

Conclusion

20. In view of the settled legal position as laid down in **LPA-2381-2016 decided on 01.05.2025** and **LPA-713-2019 decided on 25.04.2025**, the petitioners are not entitled to antedated regularization under the Haryana Government Policy dated 19.02.1979. The impugned order dated 12.03.2025 (Annexure P-16) cannot be interfered with by this court and is hereby upheld.

21. Petitions stands dismissed being devoid of merit.

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

(SANDEEP MOUDGIL)
JUDGE

21.01.2026

Anuradha

Whether speaking/reasoned : *Yes/No*
Whether reportable : *Yes/No*