



**201 RA-CW-167-2024 in CWP-19046-2019 with
RA-CW-184-2024 in CWP-182-2017,
RA-CW-177-2024 in CWP-11936-2017,
RA-CW-366-2024 in CWP-13705-2020**

**VIVEK VOHRA AND ORS
V/S
STATE OF HARYANA AND ORS**

Present: Mr. Gaurav Chopra, Senior Advocate, with
Mr. Reshabh Bajaj, Advocate,
Ms. Gauri C. Kaushal, Advocate,
Mr. Rajan Singh Dadwal, Advocate,
for the applicant/petitioners.

Ms. Shruti Jain Goyal, Sr. DAG, Haryana.

These applications have been filed seeking review of the common judgment, dated 08.02.2024, passed in the aforementioned writ petitions. The applicant/petitioners have approached this Court *inter alia* seeking a writ of *mandamus* directing the respondents to consider their claim for promotion, benefit of Assured Career Progression (ACP), seniority and Old Pension Scheme (OPS), on the basis of their appointment by way of regularisation with effect from 31.01.1996.

2. The facts of the case in brief are, the petitioners joined different Polytechnics on *ad hoc* basis in 1993, and regular basis in 2007. The Government of Haryana had earlier framed a policy, dated 07.03.1996, to regularise *ad hoc*/Class II employees on completion of two years service as on 31.01.1996, subject to fulfilment of other conditions laid down therein. The Policy was, however, withdrawn vide office order dated 08.12.1997. Later, the Government reconsidered the matter and vide notification dated



16.06.2014, decided to revive the regularisation policy, dated 07.03.1996, only to the extent that Group B employees working on *ad hoc* service, whose services could not be regularised due to withdrawal of the policy, would be regularised with effect from the date of eligibility in terms of the policy. Based upon the aforesaid notification reviving the Policy, the petitioners, along with others, were regularised in service with effect from 31.01.1996.

2.1. Having been so regularised, they submitted representations seeking seniority and other service benefits, including that of the OPS. A stand was taken by the respondents that as the notification dated 16.06.2014, reviving the earlier policy dated 07.03.1996, had been set aside by a Division Bench vide judgment dated 31.05.2018 rendered in CWP No.17206 of 2014 titled *Yogesh Tyagi and another v. State of Haryana and others*, along with connected cases. And SLPs filed against the judgment by the State were pending adjudication before the Supreme Court wherein *status quo* regarding petitioners' services had been ordered to be maintained. Therefore, the petitioners could not be given the benefits claimed. In these circumstances, the petitions were disposed of vide the judgment sought to be reviewed, dated 08.02.2024 , by observing as under:

7. The petitioners, who were earlier working as *ad hoc* lecturers, were regularised in service of the government owned Polytechnic Societies, with effect from 31.01.1996. Accordingly, they came in government service with effect from that date and became entitled to claim all consequential benefits. The only ground to deny these benefits, as canvassed by the respondents, is pendency of litigation before the Supreme Court wherein the government has challenged the judgment in *Yogesh Tyagi* case (*supra*) setting aside revival of the regularisation policy, dated 07.03.1996. It is not disputed that under similar circumstances, this Court in *Prithi Nath* case



(*supra*) granted all consequential benefits including arrears of senior scale, selection grade, fixation of pay, etc., subject to final outcome of *Yogesh Tyagi* case (*supra*), which was pending at that time before the Division Bench. The operative part of the judgment reads as under:

... Be that as it may, since the petitioner had been regularised by the department on its own w.e.f. 31.01.1996 vide order dated 15.01.2016, the petitioner is entitled to all consequential benefits including arrears of senior scale, arrears of selection grade, fixation of pay etc., subject to final result of the bunch of cases pending before the Division Bench in *Yogesh Tyagi's* case (*supra*). ...

8. This Court, however, cannot lose sight of the fact that at the time directions were issued in *Prithi Nath* case on 08.02.2018, the validity of regularisation policy dated 16.06.2014, which revived earlier policies leading to regularisation of the petitioners, was under challenge. However, the same was set aside by the Division Bench later vide judgment dated 31.05.2018, rendered in CWP No.17206 of 2014, against which State has gone in appeal before the Supreme Court. Evidently, the policy dated 16.06.2014, based upon which the petitioners are claiming relief does not exist as on date. This was not the situation when *Pirithi Nath* case was decided, and the petitioners cannot draw parallels to it. Therefore, at this stage the relief claimed cannot be granted. Nevertheless, fate of this policy remains *sub judice*, and the outcome will determine the petitioners' claim as well. Consequently, the petition stands disposed of directing the respondents to decide the petitioners' claim after final adjudication of the matter by the Supreme Court in pending SLPs against the judgment in *Yogesh Tyagi* case (*supra*).

3. Learned senior counsel for the applicant/petitioners contends that by way of instant applications, review of the judgment has been sought on the ground that due to inadvertence it could not be brought to the notice



of the Court that vide judgment rendered in *Yogesh Tyagi* case *ibid*, neither the policy dated 07.03.1996 nor the notification dated 16.06.2014 had been set aside by the Division Bench. And reliance was wrongly placed on the judgment rendered in *Pirthi Nath* case to claim the benefits on parity. Accordingly, pendency of the SLPs against that judgment in the Supreme Court will not have any bearing on the facts of the instant petitions. He further contends that all the petitioners have already been given the benefit of pay fixation with effect from the date of regularisation, i.e., 31.01.1996, as also the benefit of ACP scales while in service. Their only remaining claim at this stage pertains to the benefit of OPS, as one of them has already retired and the rest are left with only a few years of service.

4. Learned State counsel has filed an affidavit of Additional Director, Technical Education Department Haryana, dated 03.04.2025, which is taken on record. She has not disputed the aforesaid facts mentioned by learned senior counsel, however, it has been contended that both, the policy as well as the notification, are under challenge before this Court in CWP No.22592 of 2015 titled *Manish Gupta and others v. State of Haryana and others*, which is pending adjudication. Accordingly, the applicant/petitioners are essentially in the same position as they would have been, had this policy and notification been under challenge in *Yogesh Tyagi* case (*supra*).

5. Heard.

6. As per the affidavit filed on behalf of the respondents, dated 03.04.2025, it is not disputed that all the applicant/petitioners have been regularised in service with effect from 31.01.1996 under the policy dated 07.03.1996, which was revived vide notification dated 16.06.2014. Some of them have been given promotion as Senior Lecturers, and have been granted



the benefit of ACP scales as well. One of the applicants, namely, Naresh Chand, has retired from service on 31.12.2022, and has been released retirement benefits, i.e., gratuity, leave encashment, and pension under NPS. It has also been stated in the affidavit that sixteen other employees of Government Polytechnics who had worked on *ad hoc* basis since 1992-1993 and were later recruited in regular service either through the Commission in 2004/2007 or by way of regularisation in 2012, had also been regularised like the petitioners with effect from 31.01.1996. All these employees have been given the benefit of ACP scales up to Level 3 based upon their seniority, and some of them have been given further promotion in service as well, but none of them has been granted the benefit of PB-IV to date. Five of these sixteen employees, namely, Sanjeev Kalra, Sarita Dhingra, Poonam Chaudhary, Ved Parkash and Sarla Kumari, have already retired from service. The affidavit further records, “That the Joint Director (Admn-II) intimated vide U.O. no.25/14/Admn-II dated 19.03.2025 that there are total 16 petitioners mentioned above from concerned branch which comes under the Regularization Policy-2014 and all are covered under the Old Pension Scheme.” Pertinently, it has not been disputed by learned State counsel that none of the petitioners is a party in *Manish Gupta* case (*supra*), wherein the policy dated 07.03.1996 and notification dated 16.06.2014 are under challenge.

7. The only ground to deny benefit of OPS to the petitioners in the changed circumstances, as pleaded by the respondents is pendency of *Manish Gupta* case *ibid*. However, the same will have no bearing on the petitioners’ rights to get the due service and pensionary benefits based upon their regularisation in terms of policy dated 07.03.1996, as none of them is a party to that petition. Further, the earlier objection taken to grant the



pensionary benefits, viz., pendency of SLPs against the judgment in *Yogesh Tyagi* case (*supra*) no longer subsists since, concededly, neither the aforementioned policy nor the notification reviving it has been set aside therein. Still further, the respondents have admitted in the affidavit, dated 03.04.2025, that similarly placed employees have been considered as “covered under the Old Pension Scheme”.

8. In view thereof, the applications are allowed and the judgment, dated 08.02.2024 stands reviewed by allowing the writ petitions and directing the respondents to release all due service benefits to the petitioners, as well as pensionary benefits under OPS to the ones who have retired or will be retiring from service, as per their entitlement on the basis of regularisation with effect from 31.01.1996. The benefits which have become due will be released within four weeks of receiving a certified copy of this order.

9. A photocopy of this order be placed on the connected files.

**(TRIBHUVAN DAHIYA)
JUDGE**

03.04.2025
Maninder