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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

LPA-634-2025 (O&M)

Date of Decision: 4th of March, 2025

AMRIT LAL AND OTHERS

.....Appellant (s)

V/s.

STATE OF HARYANA AND OTHERS

.....Respondent(s)

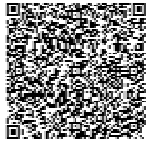
**CORAM: HON'BLE MR. JUSTICE SANJEEV PRAKASH SHARMA
HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA**

Present: Mr. S. S. Shekhawat, Advocate and
Mr. Ajay Shekhawat, Advocate
for the appellants.

SANJEEV PRAKASH SHARMA, J. (Oral)

1. This LPA has been preferred challenging the order dated 31.01.2025 passed by the learned Single Bench in CWP-2673-2025 whereby the learned Single Bench has rejected the claim of the appellants seeking regularization on the post where the appellants' claimed to have initially appointed against the sanctioned post in the year 2010.

2. Learned counsel for the appellants submits that the appellants had continuously worked w.e.f. 06.04.2010 and they preferred a Writ Petition in the year 2014 bearing No. CWP-14290-2014 seeking their regularization on the post of Peon (Group-D) and further to make payment of their salary that had not been paid. The Court disposed of the said Writ Petition vide order dated 23.07.2014 directing the respondent-State to pass a speaking order on the representation made by the appellants. The Deputy Commissioner, Sonapat, vide order dated 26.09.2014, declined the claim of the appellants and observed that the appellants had been discharged in the



year 2011. Learned counsel submits that the appellants had been continuously working and there was no order passed to discharge them from their services. In fact, certain documents had been placed on record to reflect that the appellants were actually performing their duties.

3. Learned counsel submits that the appellants were entitled to be regularized as their names had been sent through the Employment Exchange and were also entitled to be continued in service and the salary was also required to be paid to them. The Writ Petition was therefore, filed before the learned Single Judge wherein the present impugned order has been passed.

4. Learned counsel submits that the learned Single Bench has fallen in error in making observations of not entertaining the Writ Petition after a lapse of 14 years and the appellants deserve to be reinstated and regularized also. Their salary is also required to be paid.

5. We have considered the submissions advanced by the learned counsel for the appellant at length and also perused the documents which have been placed on record as well as the impugned order passed by the learned Single Bench.

6. From the facts which have culled out from above, it is apparent that while the respondents state that services of the appellants were discharged in 2011, the appellants' claim to have continued till 2014 and they submit that the order denying their regularization is wrongful and illegal.



7. We find that the appellants had again preferred a Writ Petition bearing No. CWP-3951-2015 which came up for hearing on 22.04.2024 and following order was passed :-

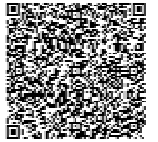
*“1. Learned counsel for the petitioners submits that as the policy of 18.06.2014 has already been set aside by the Division Bench of this Court while passing order in CWP-17206-2014 titled as **‘Yogesh Tyagi and another Vs. State of Haryana and Others’** decided on 31.05.2018, the present petition may kindly be disposed of having been not pressed any further with liberty to the petitioners to agitate their claim qua the regularization of their services under the Policy dated 01.10.2003 by availing appropriate remedy.*

2. Ordered accordingly.”

8. The appellants filed certain CMs before the Court and again on 14.05.2024, the following order was passed:-

“Learned counsel for the applicants submits that as the main Writ Petition has already been decided, the present applications may kindly be disposed of having been not pressed any further.”

9. The order passed in the year 2014 as well as in 2024 reflects that the appellants have worked for a short period i.e. from 06.04.2010 to 31.03.2011 and two of them from 06.04.2010 to 20.05.2011 i.e. one year and fourteen days and they were appointed on contract basis. Thus, they have no case for seeking regularization based on the period of work which they have performed. So far as their claim to have worked upto the year 2014 is concerned, the Writ Court could not have given a finding as to or up to what date they have actually performed their duties. Admittedly, when



the order was passed by this Court directing the respondents to consider the case of the appellants for regularization, the appellants were not performing their duties. Persons, who are not engaged in service, cannot seek regularization unless the termination/oral discharge or oral termination is set aside. For the said purpose, the remedy available to the appellants, as has been noticed by the learned Single Bench was to raise the dispute before the appropriate Labour Court/Industrial Court as the case may be. However, the appellants have not chosen to set up a claim for reinstatement at that relevant time, in view of short period of work done by the appellants, we do not find it a case where a direction can be issued for regularization.

10. The learned Single Bench has rightly noticed that 14 years have elapsed from the time when the appellants were initially appointed and their services stood already dispensed with.

11. In view thereto, direction of the learned Single Bench in dismissing the Writ Petition *in limine* cannot be said to be unjustified. The Appeal is accordingly dismissed.

12. All pending applications in this case are disposed of accordingly.

[SANJEEV PRAKASH SHARMA]
JUDGE

[MEENAKSHI I. MEHTA]
JUDGE

March 4, 2025

Ess Kay

<i>Whether speaking / reasoned</i>	:	<i>Yes</i>	/	<i>No</i>
<i>Whether Reportable</i>	:	<i>Yes</i>	/	<i>No</i>