



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

1. **LPA No.599 of 2019 (O&M)**
Date of Decision: 25.04.2025
- State of Haryana and others
...Appellants
- Versus
- Jagbir Singh
...Respondent
2. **LPA No.683 of 2019 (O&M)**
- The State of Haryana & others
...Appellants
- Versus
- Suresh Kumar Mech.
...Respondent
3. **LPA No.709 of 2019 (O&M)**
- State of Haryana & others
...Appellants
- Versus
- Subhas Chander
...Respondent
4. **LPA No.713 of 2019 (O&M)**
- The State of Haryana and others
...Appellants
- Versus
- Hargian Singh & others
...Respondents
5. **LPA No.737 of 2019 (O&M)**
- State of Haryana & others
...Appellants
- Versus
- Sube Singh & others
...Respondents



6. **LPA No.798 of 2019 (O&M)**
The State of Haryana & others ...Appellants
Versus
Satyawani ...Respondent

7. **LPA No.831 of 2019 (O&M)**
State of Haryana & others ...Appellants
Versus
Pawan Kumar ...Respondent

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

Present:- Mr. Saurabh Mohunta, Senior DAG, Haryana
for the appellants.

Mr. R.S. Sangwan, Advocate,
for the respondent(s).

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SANJEEV PRAKASH SHARMA J. (Oral)

CM-1418-LPA-2019 in LPA-599-2019
CM-1636-LPA-2019 in LPA-683-2019
CM-1708-LPA-2019 in LPA-709-2019
CM-1717-LPA-2019 in LPA-713-2019
CM-1762-LPA-2019 in LPA-737-2019
CM-1914-LPA-2019 in LPA-798-2019
CM-1991-LPA-2019 in LPA-831-2019
CM-1992-LPA-2019 in LPA-831-2019

For the reasons mentioned in the above-said applications, the same are allowed and the delay ranging between 68 to 116 days, as mentioned in the respective applications in filing/re-filing these appeals, is hereby condoned.



Main cases

These appeals are taken up together as common question of law and facts is involved therein.

2. All these six appeals bearing *LPAs No.599, 683, 709, 737, 798* and *831 of 2019* are assailing the judgment passed by learned Single Judge dated 26.09.2018, whereby the writ-petitions preferred by the respondent(s) were allowed and only in *LPA No.713 of 2019*, a prayer has been made to set-aside the order dated 04.10.2018 vide which the learned Single Judge has disposed of the writ-petition in view of the order dated 26.09.2018 in *CWP No.6135 of 2017*.

3. Learned counsel appearing for the appellants-State has pointed out that the learned Single Judge has erred in passing the directions relying on the Policy dated 13.02.1979. Further, he submits that so far as the writ-petitions relating to Jagbir Singh son of Sh. Surjan Singh (*LPA No.599 of 2019*), Sube Singh son of Sh. Hira Singh (*LPA No.737 of 2019*) and Subhas Chander son of Sh. Daryao Singh (in *LPA No.709 of 2019*) are concerned, the judgments in these cases did not even fall within the regularization Policy of 1993 as they were appointed for the first time on 24.08.2004, 10.09.2004 and 27.08.2004 respectively and they were regularized by relaxing the regularization Policy of 29.07.2011 as special cases and regularized w.e.f. 19.09.2013. He submits that the learned Single Judge has wrongly applied the judgment on facts of Suresh Kumar (petitioner in *CWP No.6135 of 2017*) to all the other connected writ-petitions whose facts were different.

4. He further submits that so far as in *LPA No.713 of 2019*,



Hargian Singh and others (respondents herein) are concerned, they were appointed on daily wages in December, 1993 and were regularized w.e.f. 01.10.2003 vide order dated 20.09.2013.

5. In *LPA No.831 of 2019*, Pawan Kumar son of Sh. Ghanshyam was appointed on 18.08.2004 and has been regularized w.e.f. 19.09.2013.

6. In *LPA No.798 of 2019*, Satywan son of Sh. Ramdhari was initially appointed on 05.10.1990 and his services were dispensed with and was re-instated vide the Award dated 08.12.1999 with 60% back wages and continuity in service and was regularized w.e.f. 01.10.2003.

7. Learned counsel for the appellants further submits that directions issued by the learned Single Judge could not have been applied to the facts of the afore-said cases generally as they were not found in the service as on 13.02.1979. The Policy, which was issued for regularization of the employees who have completed 240 days in the Transport Department, was one time Policy and the said Policy further clarified that the regularization would be for the employees who had completed two years as on 13.02.1979. The extension of the said Policy by the learned Single Judge to the respondents giving them regularization on completion of 240 days from the date of their initial appointment was, therefore, unjustified and the order passed by the learned Single Judge, therefore, deserves to be set-aside.

8. Learned counsel appearing for the respondents supports the order passed by the learned Single Judge.

9. 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.

10. We also notice that some of them were re-instated in service, after they were removed, by way of implementation of Award in their favour. However, their date of re-instatement was taken into consideration for regularizing them, which ofcourse, could not have been done and their initial dates of appointment in such cases, i.e in the cases of Suresh Kumar (in *LPA No.683 of 2019*), Hargian Singh and others (in *LPA No.713 of 2019*), Satyawar (in *LPA No.798 of 2019*), the dates of regularization have to be revised by the appellants. However, so far as the others are concerned, admittedly they were appointed in the year 2004 and have been regularized under the subsequent Policy of 2011 granting relaxation as one time measure. In their cases, there is no requirement for revising their date of regularization and the said writ-petitions were required to be dismissed. We, accordingly, set-aside the order passed by learned Single Judge challenged in *LPAs No.599, 709, 737, 831 of 2019* and these appeals are, hereby, allowed.

11. With regard to *LPAs No.683, 713 and 798 of 2019* we modify the order passed by the learned Single Judge to the extent that the dates of their initial appointment of the petitioners therein shall be taken into consideration and these appeals are, hereby, disposed of.



12. The appeals are, accordingly, disposed of.
13. All pending application(s) also stand disposed of.

(SANJEEV PRAKASH SHARMA)
JUDGE

April 25, 2025
seema

(MEENAKSHI I. MEHTA)
JUDGE

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