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**IN THE PUNJAB AND HARYANA HIGH COURT AT  
CHANDIGARH.**

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**CWP-9737-2001 (O&M).  
Date of Decision: 17.07.2025.**

**CHANDI RAM**

... Petitioner(s)

Versus

**STATE OF HARYANA AND OTHERS**

... Respondent(s)

**CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ.**

Present: Mr. Sudhir Aggarwal, Advocate,  
for the petitioner.

Mr. Tapan Kumar, DAG, Haryana.

**VINOD S. BHARDWAJ, J. (ORAL)**

The instant writ petition has been filed seeking regularization of service in the post of Water Pump Operator with effect from 01.04.1993.

2 Learned counsel appearing on behalf of the petitioner submits that the petitioner initially joined the respondent Department as a Water Pump Operator on a daily wage basis w.e.f. 01.10.1987 and was posted at Village Pachgaon, District Gurugram. It is contended that the petitioner's services were illegally terminated w.e.f. 01.12.1988 without assigning any reasons. Subsequently, the petitioner approached the Labour Court, which passed an Award dated 12.01.1994 in his favour directing reinstatement with

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continuity of service and full back wages. The said award attained finality. Counsel further submits that, meanwhile, the Government of Haryana had notified the Policy of Regularization dated 27.05.1993. However, the petitioner's claim for regularization under this policy was not considered. Instead, the respondents regularized the petitioner under the Policy of 1996 but against the post of Mali-cum-Chowkidar instead of Water Pump Operator, on the ground that the petitioner did not possess the requisite ITI qualification. Learned counsel argues that since the petitioner had been appointed and served as a Water Pump Operator for more than five years as on 31.03.1993, he is entitled to continuity of service and regularization against the said post in terms of the Labour Court Award and the applicable policies.

3            Responding to the above submissions, learned State counsel contends that the petitioner's claim for regularization against the post of Water Pump Operator (Class III) is misplaced and is denied. It is the specific case of the respondent-State that the petitioner was appointed as a Gardner-cum-Mali on 01.10.1987, and this fact is not disputed by the petitioner by any counter. Learned counsel further submits that even in the Labour Court proceedings initiated by the petitioner, it was their specific stand that the petitioner was appointed as a Gardner-cum-Mali, and no finding of petitioner having worked as Water Pump Operator was recorded by the Labour Court. Hence, the petitioner has no evidence to corroborate his claim and is not entitled to regularization against the post of Water Pump Operator.

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4           However, with respect to the petitioner's entitlement to be regularized against the post of Mali-cum-Chowkidar under the Policy of 1993, learned State counsel does not dispute that the petitioner's appointment dated 01.10.1987 entitles him to claim seniority from that date as per the Labour Court Award. It is conceded that the petitioner fulfills the condition of completing five years of service as on 01.04.1993 for the purpose of regularization under the said policy.

5           I have heard the learned counsel appearing for the respective parties and have gone through the documents appended along with the present petition.

6           So far as the petitioner's contention that he was appointed as a Water Pump Operator is concerned, the pleading is specifically denied by the respondent-State in the written statement filed as early as 2001. Notwithstanding a long passage of time, the petitioner has not filed any replication or rejoinder disputing this factual assertions. The petitioner has produced no document whatsoever to substantiate his claim that he was in fact appointed or worked as a Water Pump Operator or that he discharged duties corresponding to that post. Further, when queried whether the petitioner, in execution of the Labour Court award dated 12.01.1994, was employed against a Group-D post, learned counsel for the petitioner conceded the same. At no stage thereafter did the petitioner complaint about non-execution of the award or sought execution of the award alleging that it had not been implemented as directed. An acceptance by the petitioner of

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induction against a Group-D post in execution of the award, coupled with the absence of any evidence to counter the objections of the respondents, lends strong support to the respondent's assertion that the petitioner was actually appointed against the post of Gardner-cum-Chowkidar.

7           Considering the contemporaneous conduct of the parties, the Labour Court award dated 12.01.1994 and the absence of any replication or documentary evidence disputing the respondent-State's specific assertion regarding the nature of the petitioner's engagement, the petitioner's contention that he was employed against the post of Water Pump Operator, a Group-C post, cannot be accepted at this stage. Accordingly, the petitioner's claim in this regard is hereby rejected.

8           Now, advertent to the issue as to whether the petitioner is entitled to regularization with effect from 01.04.1993 or not, the learned State counsel has conceded that the petitioner fulfills the essential service requirements as prescribed under the said policy of 1993 for regularization against Group 'D' post.

9           Consequently, the present writ petition is partly allowed. The respondent State is directed to regularize the services of the petitioner in terms of the Policy of Regularization of 1993 when similarly situated persons were regularized.

10          Let, the requisite orders be issued by the respondents within a period of 03 months of receipt of a certified copy of this order. The admissible financial benefits, consequent upon the change of the date of regularization,

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shall be re-assessed by the respondents and shall be released within a further period of 03 months.

11           Needless to mention that in case the aforesaid timelines are not adhered to, the petitioner shall be entitled to interest @ 6% per annum from the date of filing of the writ petition till its actual realization which such additional cost may be recovered from the erring officials.

12           Pending misc. application(s), if any, shall also stand(s) disposed of accordingly.

**July 17, 2025.**  
**raj arora**

**(VINOD S. BHARDWAJ)**  
**JUDGE**

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