

CWP-10071-2022 & connected cases

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

306+143+304+305+144

CWP-10071-2022
Date of Decision: 22.01.2025

Sanjeev Kumar

...Petitioner

Versus

State of Haryana and others

...Respondents

Sr. No.	Case No.	Petitioner(s)	Respondent(s)
2.	CWP-11263-2017	Rajinder Singh	State of Haryana and others
3.	CWP-12121-2017	Randhir Singh and another	State of Haryana and others
4.	CWP-12342-2017	Des Raj and others	State of Haryana and others
5.	CWP-13120-2018	Manoj Kumar	State of Haryana and others
6.	CWP-21091-2016	Pooja Dua	Haryana State Agriculture Marketing Board and another
7.	CWP-21202-2017	Karam Chand and others	State of Haryana and others
8.	CWP-24829-2018 (O&M)	Ashok Kumar and others	State of Haryana and others
9.	CWP-5881-2017	Aas Mohammad and others	State of Haryana and others
10.	CWP-5882-2017 (O&M)	Inder Pal Singh and others	State of Haryana and others
11.	CWP-6516-2017	Babu Ram	Municipal Corporation, Panipat
12.	CWP-7395-2018 (O&M)	Bharat Lal	State of Haryana and others
13.	CWP-7523-2017	Sunita Devi	State of Haryana and others
14.	CWP-8377-2017 (O&M)	Naresh Kumar and others	Housing Board, Haryana and another
15.	CWP-9112-2017	Ram Dinesh	State of Haryana and others
16.	CWP-9639-2017	Daya Ram and others	State of Haryana and others
17.	CWP-15744-2017	Roopnath	Haryana State Agricultural Marketing Board and another
18.	CWP-15891-2017	Ved Parkash	State of Haryana and others
19.	CWP-15148-2017 (O&M)	Kanta	State of Haryana and others



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20.	CWP-15149-2017 (O&M)	Rameshwar	State of Haryana and others
21.	CWP-18883-2017 (O&M)	Ram Lal	State of Haryana and others
22.	CWP-18884-2017 (O&M)	Vinod Kumar	State of Haryana and others
23.	CWP-18885-2017 (O&M)	Ramesh	State of Haryana and others
24.	CWP-9265-2018 (O&M)	Dharambir	State of Haryana and others
25.	CWP-20811-2017 (O&M)	Balbir Sharma	State of Haryana and others
26.	CWP-23672-2017	Raghubir	State of Haryana and others
27.	CWP-19801-2018	Bhani Ram	State of Haryana and others
28.	CWP-21650-2017	Satyawan	State of Haryana and others
29.	CWP-23687-2017	Shyam Singh and others	Municipal Corporation, Faridabad and others
30.	CWP-23878-2017	Kuldip Singh	State of Haryana and others
31.	CWP-24286-2017	Gulab Singh and others	State of Haryana and others
32.	CWP-27437-2017	Mahender Singh and others	State of Haryana and others
33.	CWP-895-2023	Babu Ram	Haryana Vidyut Parsaran Nigam Limited and others
34.	CWP-5204-2023	Chand	State of Haryana and others
35.	CWP-22316-2021	Umed Singh	State of Haryana and others
36.	CWP-19909-2022 (O&M)	Ram Phal and others	State of Haryana and others
37.	CWP-2314-2023 (O&M)	Birbal and others	State of Haryana and others
38.	CWP-5271-2019 (O&M)	Kamla Devi	Dakshin Haryana Bijli Vitran Nigam, Hisar
39.	CWP-5283-2019 (O&M)	Ranjit	Haryana Vidyut Prasaran Nigam Limited
40.	CWP-12663-2012	Jasbir Kaur	State of Haryana and others
41.	CWP-3773-2017	Babu Lal	State of Haryana and others
42.	CWP-3803-2017	Satyabir	State of Haryana and others
43.	CWP-5501-2017 (O&M)	Mahabir Singh	State of Haryana and another
44.	CWP-13064-2017 (O&M)	Kaptan Singh	Uttar Haryana Bijli Vitran Nigam Limited and others



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45.	CWP-15147-2017	Kishan Lal	State of Haryana and others
46.	CWP-2585-2019	Bhajna	State of Haryana and others
47.	CWP-9111-2019	Naresh Kumar	Haryana State Industrial and Infrastructure Development Corporation Limited and another
48.	CWP-9837-2020 (O&M)	Attar Singh and others	State of Haryana and others
49.	CWP-20465-2020	Poolwati	Dakshin Haryana Bijli Vitran Nigam and others
50.	CWP-10-2021	Jagat Ram and another	Shri Mata Mansa Devi Shrine Board, Panchkula
51.	CWP-6273-2021	Raju	Uttar Haryana Bijli Vitran Nigam Limited and others
52.	CWP-8252-2021	Ramesh and others	State of Haryana and another
53.	CWP-19621-2022 (O&M)	Rajesh	State of Haryana and others
54.	CWP-11016-2022	Anil Kumar	Haryana Electronics Development Corporation
55.	CWP-16967-2022	Satpal	Dakshin Haryana Vijli Vitran Nigam Limited and others
56.	CWP-16409-2021	Mohan Lal	Managing Director, Dakshin Haryana Bijli Vitran Nigam Limited and another
57.	CWP-19844-2022	Pawan Singh and others	Uttar Haryana Bijli Vitran Nigam Limited and others
58.	CWP-26881-2022	Bhola Singh	Managing Director and others
59.	CWP-5519-2020	Karambir and others	State of Haryana and others
60.	CWP-4381-2022	Shyam Pal and others	State of Haryana and others
61.	CWP-19175-2023	Satish Kumar and others	State of Haryana and others
62.	CWP-25836-2022	Kali Charan and others	State of Haryana and others
63.	CWP-20531-2023	Sita	State of Haryana and others
64.	CWP-14685-2018	Krishna Devi and others	Dakshin Haryana Bijli Vitran Nigam Limited and others
65.	CWP-30784-2018	Keshar Singh	State of Haryana and others



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66.	CWP-22800-2016	Ram Phal	State of Haryana and another
67.	CWP-7025-2022	Subhash Chand	State of Haryana and others
68.	CWP-32825-2019	Sunita Devi	State of Haryana and others
69.	CWP-19218-2020	Birbhan	Managing Director and others
70.	CWP-9191-2021	Ram Rati	Managing Director and others
71.	CWP-28666-2019 (O&M)	Mahender Singh and others	State of Haryana and others
72.	CWP-3129-2020	Sandeep Sharma	Housing Board Haryana and another
73.	CWP-19664-2020 (O&M)	Om Parkash Sharma	State of Haryana and others
74.	CWP-8504-2024	Jaswant Singh	State of Haryana and others
75.	CWP-5570-2020	Surender Singh and others	Haryana Vidyut Parsaran Nigam Limited and others
76.	CWP-2468-2022	Subhash Chand	Uttar Haryana Bijli Vitran Nigam Limited and others
77.	CWP-3151-2018	Jaimal and others	State of Haryana and others
78.	CWP-3770-2018	Ram Lal	Dakshin Haryana Bijli Vitran Nigam Limited and others
79.	CWP-6202-2018	Yogesh Kumar and others	State of Haryana and others
80.	CWP-28286-2018	Pankaj Kumar	State of Haryana and others
81.	CWP-3870-2020	Subhash Chander	State of Haryana and others
82.	CWP-30127-2018	Mahinder Singh and others	Municipal Corporation, Faridabad and others
83.	CWP-37917-2018	Kishan Wati	Haryana Urban Development Authority (HUDA) and another
84.	CWP-4373-2019	Surinder Kumar and others	Uttar Haryana Bijli Vitran Nigam Limited and others
85.	CWP-5934-2019	Ripudaman	State of Haryana and others
86.	CWP-22678-2019	Sunil Chaudhary	Haryana Power Generation Corporation Limited and others
87.	CWP-6308-2021	Kashmiri Lal	Uttar Haryana Bijli Vitran Nigam Limited and others



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88.	CWP-6376-2021	Meena Devi	Uttar Haryana Bijli Vitran Nigam Limited and others
89.	CWP-6385-2021	Vijay Kumar	Uttar Haryana Bijli Vitran Nigam Limited and others
90.	CWP-10474-2020	Sonu and others	State of Haryana and others
91.	CWP-20337-2020	Krishna Devi	State of Haryana and others
92.	CWP-8940-2021	Jaipal	State of Haryana and others
93.	CWP-2255-2022	Harnam Singh	State of Haryana and others
94.	CWP-697-2023 (O&M)	Balraj and others	State of Haryana and others
95.	CWP-27340-2022	Radhika Devi	Haryana Vidyut Parsaran Nigam Limited and others
96.	CWP-28322-2022	Sunil Kumar and others	State of Haryana and others
97.	CWP-6019-2023	Surender Kumar	State of Haryana and others
98.	CWP-25639-2022	Sukhdev Singh	Haryana Vidyut Prasaran Nigam Limited and others
99.	CWP-26299-2022	Jugal Kishore	Haryana Vidyut Prasaran Nigam Limited and others
100.	CWP-10940-2023 (O&M)	Braham Singh and another	Dakshin Haryana Bijli Vitran Nigam Limited and others
101.	CWP-32084-2018	Sultan Singh	State of Haryana and others
102.	CWP-17346-2023 (O&M)	Ravinder Kumar	State of Haryana and others
103.	CWP-10045-2019	Chhajju Ram	State of Haryana and others
104.	CWP-10891-2016	Pawan Kumar	Haryana State Industrial and Infrastructure Development Corporation Limited and another
105.	CWP-18480-2023	Mahesh Kumar and another	Haryana Seeds Development Corporation Limited
106.	CWP-1505-2023	Krishan Lal and others	State of Haryana and others
107.	CWP-9628-2018 (O&M)	Punit Kumar	State of Haryana and others



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108.	CWP-9694-2014	Mohan Singh	Chief Executive Officer, Mewat Development Agency and another
109.	CWP-21277-2017 (O&M)	Rajpal and others	Dakshin Haryana Bijli Vitran Nigam and others
110.	CWP-24617-2022	Bharat Singh and others	State of Haryana and others
111.	CWP-26421-2017 (O&M)	Usha Rani and others	State of Haryana and others
112.	CWP-20459-2023	Kirshan Kumar and others	State of Haryana and others
113.	CWP-29692-2017	Rampal	State of Haryana and others
114.	CWP-25466-2018 (O&M)	Ram Pal Singh	Municipal Corporation, Faridabad
115.	CWP-5414-2022	Baljeet	State of Haryana and others
116.	CWP-19094-2022	Parvinder Kumar and another	State of Haryana and others
117.	CWP-19560-2022	Anto Devi	State of Haryana and others
118.	CWP-19586-2022	Radha	Dakshin Haryana Bijli Vitran Nigam Limited and others
119.	CWP-20374-2022	Joginder	State of Haryana and others
120.	CWP-29868-2018	Ravinder Kumar	State of Haryana and others
121.	CWP-19151-2019	Maya Devi	Dakshin Haryana Bijli Vitran Nigam Limited and others
122.	CWP-200-2020	Karam Chand	Housing Board, Haryana and another
123.	CWP-16075-2021 (O&M)	Ram Niwas	Haryana Shehri Vikas Pradhikaran and others
124.	CWP-28538-2022 (O&M)	Raj Bala	State of Haryana and others
125.	CWP-681-2017	Satbir and others	State of Haryana and others
126.	CWP-15128-2018	Inder Singh and others	State of Haryana and others
127.	CWP-24151-2019 (O&M)	Sushil Kumar and others	Dakshin Haryana Bijli Vitran Nigam Limited and another
128.	CWP-14345-2019	Azad Singh	Haryana Urban Development Authority and others
129.	CWP-15300-2018	Hari Singh and others	Vice Chancellor, Kurukshetra University and others



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130.	CWP-25017-2023	Savitri @ Savitri Devi and another	Haryana Vidyut Parsaran Nigam Limited and others
131.	CWP-8397-2023	Bishan Singh and others	Dakshin Haryana Bijli Vitran Nigam Limited and others
132.	CWP-4139-2013	Ram Kishore and others	State of Haryana and others
133.	CWP-5883-2017 (O&M)	Radha Krishan and others	State of Haryana and others
134.	CWP-13884-2024	Ram Niwas	State of Haryana and others
135.	CWP-7506-2024 (O&M)	Sombir Singh	Uttar Haryana Bijli Vitran Nigam Limited and others
136.	CWP-13944-2018	Dayanand Singh	State of Haryana and others
137.	CWP-18982-2023	Om Singh and another	Haryana Seeds Development Corporation Limited
138.	CWP-9523-2024	Surender Kumar	State of Haryana and others
139.	CWP-29641-2018	Dinesh Kumar and others	State of Haryana and others
140.	CWP-30018-2018	Naval Singh and others	State of Haryana and others
141.	CWP-27840-2018	Manjit	State of Haryana and others
142.	CWP-14379-2019	Azad Singh and others	Haryana Urban Development Authority and others
143.	CWP-20486-2020	Rajender and others	Dakshin Haryana Bijli Vitran Nigam Limited and others
144.	CWP-5584-2023	Urmila	State of Haryana and others
145.	CWP-1312-1997	Balwant Singh	State of Haryana
146.	CWP-34399-2019	Naresh Kumar and others	State of Haryana and others
147.	CWP-30961-2018 (O&M)	Vinod Kumar & others	State of Haryana and others
148.	CWP-5879-2017 (O&M)	Trilok Chand and others	State of Haryana and others
149.	CWP-9264-2018	Saroj	State of Haryana and others
150.	CWP-37410-2019 (O&M)	Saroj @ Lali	Haryana Sahri Vikas Pradhikaran and others
151.	CWP-32455-2024	Anil Kumar	State of Haryana and others

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Present: Mr. R.K. Malik, Senior Advocate with
Mr. Sandeep Dhull, Advocate
for the petitioner(s) in CWP-5881 of 2017, CWP-5882 of 2017,
CWP-5883 of 2017, CWP-8377 of 2017, CWP-23687 of 2017,
CWP-30127 of 2018, CWP-2255 of 2022, CWP-9111 of 2019,
CWP-200 of 2020 and CWP-5879 of 2017.

Mr. P.K. Ganga, Advocate for the petitioners in
CWP No.10474 of 2020, CWP No.19621 of 2022, CWP
No.28538 of 2022, CWP No.19094 of 2022 & CWP No.20374 of
2022.

Mr. Anuj Malik, Advocate and
Mr. Ravinder Malik, Advocate
for the petitioners in CWP-10071 of 2022.

Mr. Chander Shekhar, Advocate
for the petitioner in CWP-10891-2016.

Mr. D.S. Adlakha, Advocate
for the petitioner in CWP-2585-2019 &
CWP-13884-2024.

Mr. Shvetanshu Goel, Advocate
for the petitioner in CWP No.16967 of 2022,
CWP No.16409 of 2020, CWP No.2468 of 2022,
CWP-19586-2022, CWP-9112-2017 &
CWP No.26299 of 2022.

Mr. Randeep Singh, Advocate for
Mr. Vikram Singh, Advocate for the petitioner
in CWP-20337-2020

Mr. D.S. Rawat, Advocate
for the petitioner in CWP-11016 of 2022.

Mr. Rahul Jaswal, Advocate
for the petitioners in CWPs-4381 of 2022 and 5519 of 2020.

Mr. B.K. Bagri, Advocate
for the petitioners in CWPs-9628 of 2018 and 8397 of 2023.

Mr. Devender Arya, Advocate
for the petitioners in CWP No.5283 of 2019,
CWP-5271-2019 & CWP-20486-2020.

Ms. Divya Sharma, Advocate for
the petitioners in CWP Nos.6308, 6376, 6273 of 2021 and
for petitioner Nos. 1 to 8 in CWP-20486 of 2020.

Mr. Raja Sharma, Advocate for the petitioner

Mr. Ramesh Chand, Advocate for
Mr. Balraj Gujjar, Advocate
for the petitioner in CWP No.3870 of 2020 and
CWP No.8940 of 2021.

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Mr. Naresh Kumar Chhokar, Advocate and
Mr. Ram Bhati, Advocate
for the petitioner in CWP No.13944 of 2018.

Mr. Jai Bhagwan, Advocate
for the petitioner in CWP No.18480 of 2023 &
CWP No.18982 of 2023.

Mr. Rakesh Nagpal, Advocate
for the petitioner in CWPs-20811 of 2017 and 25639 of 2022.

Mr. Neeraj Gaur, Advocate
for the petitioner in CWP-30961 of 2018.

Mr. Raman B. Garg, Advocate and
Mr. Mayank Garg, Advocate
for the petitioner in CWP-24286-2017,
CWP Nos.29868, 15128 of 2018 & CWP-10 of 2021.

Mr. Eeshan Garg, Advocate and
Mr. Pawan Kumar Garg, Advocate for the petitioner.

Mr. Saksham Kaushik, Advocate for
Mr. Raminder Singh Joon, Advocate
for the petitioner in CWP-8504-2024.

Mr. Sandeep Singal, Advocate
for the petitioners in CWP-13064-2017 & CWP-15744-2017.

Mr. Rohan Moudgil, Advocate with
Mr. Jaspreet Singh, Advocate for
Mr. Sandeep Sharma, Advocate
for the petitioners in CWP-28666-2019.

Mr. Aditya Yadav, Advocate for the petitioner

Mr. Ajay Kumar Yadav, Advocate for
Mr. R.N. Lohan, Advocate
for the petitioners in CWP No.16075 of 2021.

Mr. J.S. Dahiya, Advocate
for the petitioner in CWP-19909-2022.

Ms. Rahish Pahwa, Advocate with
Mr. Saksham Dudeja, Advocate
for the petitioner(s) in CWP-30018 of 2018, CWP-3773-2017,
CWP-3803-2017, CWP-32455-2024 CWP-9639-2017, CWP-
34399-2019 and CWP-22316 of 2021.

Mr. Rajesh Kumar Bhagal, Advocate for
Mr. Shailendra Sharma, Advocate for the petitioner in CWP
No.27437 of 2017.

Mr. Vikas Singh, Advocate for
Mr. Abhimanyu Singh, Advocate
for the petitioner No.16409 of 2019 & CWP No.8252 of 2019.
Mr. Surender Saini, Advocate with
Mr. Nikhil Saini, Advocate for the petitioner in CWP-23878-2017.

Mr. Jayant Puneet Bamal, Advocate
for the petitioners in CWP-30127 of 2018.



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Mr. Jasbir Mor, Advocate with
Mr. Surender Mor, Advocate
for the petitioners in CWP-5570 of 2020.

Mr. Mukesh Kumar Bhatnagar, Advocate and
Mr. S.K. Bawa, Advocate for the petitioner in CWP-17346-2023.

Mr. Hari Om Sharma, Advocate
for the petitioners in CWP-1312 of 1997 and CWP-25836 of 2022.

Mr. Shalender Mohan, Advocate
for the petitioner in CWP-7523-2017.

Mr. V.D. Sharma, Advocate
for the petitioner(s) in CWPs-19844 of 2022 and 7506 of 2024.

Mr. R.S. Panghal, Advocate
for the petitioner in CWPs-27340 of 2022 & 6385 of 2021.

Mr. Rajesh Arora, Advocate for the petitioners in CWP-11263 of
2017, CWP-3151 of 2018, CWP-12121 of 2017, CWP-12342 of
2017, CWP-9694-2014, CWP-15300-2018, CWP-13120 of 2018
and CWP-24829 of 2018.

Ms. Abha Rathore, Advocate
for the petitioner(s) in CWPs-15148 of 2017, 15149 of 2017, 9265
of 2018, 18883 of 2017, 18885 of 2017, 6516 of 2017, 9264 of
2018, 22800 of 2016 and 25466 of 2018.

Mr. Shivam Malik, Advocate
for the petitioner(s) in CWP-15147 of 2017, CWP-15891 of 2017
and CWP-18884 of 2017.

Ms. Seenu Ravesh, Advocate for
Mr. Vivek Khatri, Advocate for the petitioner in CWP-29692-2017.

Mr. Jagdish Manchanda, Advocate and
Mr. N.C. Manchanda, Advocate
for the petitioner in CWP-4373-2019, CWP-10045-2019,
CWP-24151-2019, CWP-697-2023, CWP-28322-2022, CWP-
6019-2023, CWP-5204-2023, CWP-2314-2023, CWP-21277-
2017, CWP-24617-2022, CWP-26421-2017, CWP-20459-2023,
& CWP-9523-2024.

Mr. Lekh Raj Sharma, Advocate with
Mr. Abhishek Sharma, Advocate for the petitioner(s)

Mr. Deepak Sonak, Advocate
for the petitioner(s) in CWPs-14685 of 2018, 19151 of 2019,
29641-2018, 25017-2023 and 10940 of 2023.

Mr. Nitin Goswami, Advocate for
Mr. S.K. Malik, Advocate
for the petitioner in CWPs-5584 of 2023 and
CWP-32825 of 2019 and
for the respondent in CWP-13944 of 2018.

Mr. Y.P. Malik, Advocate,
Mr. Ankur Malik, Advocate and
Mr. Monu Sharma, Advocate
for the petitioners in CWP-37410-2019.



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Mr. Anil Shukla, Advocate for the petitioner in CWP-37917-2018.

Mr. Parmod Chauhan, Advocate
for the petitioner in CWP-28286-2018.

Mr. Mangesh Goel, Advocate and
Mr. Neeraj Goel, Advocate for the petitioner on CWP-1505-2023.

Ms. Mansi, Advocate for
Mr. Ashok Kaushik, Advocate
for the petitioner in CWP-30784-2018.

Mr. Sandeep Kotla, Advocate
for the petitioner in CWP-32084-2018.

Mr. Mohnish Sharma, Advocate
for the petitioner in CWP-21202-2017.

Mr. Naveen Daryal, Advocate
for the petitioner in CWP-21650-2017.

Mr. Sanjeev Gupta, Advocate
for the petitioner in CWP-5414-2022 & CWP-19664-2020.

Mr. Lekhraj Sharma, Advocate and
Mr. Prajwal Jaiswal, Advocate
for the petitioner in CWP-7395-2018.

Mr. Sunil Kumar Dhanda, Advocate
for the petitioner in CWP No.19175 of 2023
for the respondent in CWP No.15744 of 2017.

Mr. P.L. Verma, Advocate
for the petitioner in CWP-14379-2019 & CWP-14345-2019.

Mr. Sandeep Thakan, Advocate
for the petitioners in CWP-19218 of 2020, CWP-19801-2018,
CWP-26881-2022, CWP-23672-2017 and CWP-9191 of 2022.

Mr. Baldev Raj Mahajan, Sr. Advocate with
Mr. Prateek Mahajan, Advocate,
Mr. Mayank Vashisth, Advocate
Mr. Daanish Mahajan, Advocate,
Ms. Saloni Sharma, Advocate,
Ms. Prerna Malhotra, Advocate,
Mr. Kunal Soni, Advocate,
Ms. Harita Dhanda, Advocate
Mr. Vasu Gupta, Advocate
for respondents No. 3 and 4-HVPNL, DHBVN, UHBVN,
MC (Faridabad).
with

Mr. Jagbir Malik, Advocate
for respondent No.3 & 4 in CWP-5414 of 2022
for the respondents in CWP-22678-2019
for respondent No.2 in CWP-8252-2021
for respondent No.3 in CWP-5883-2017
for respondent No.2 in CWP-19560-2022
for respondent No.2 in CWP-20374-2022
for respondent No.2 in CWP-19094-2022



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for respondent No.3 in CWP-5882-2017
 for the respondents in CWP-10940-2023
 for respondents No.2, 3, 4, 5, 6 and 7 in CWP-24617-2022
 for the respondents in CWP-21277-2017
 for respondents No.2 and 3 in CWP-10071-2022
 for respondent No.3 in CWP-681-2017
 for respondent No.3 in CWP-5584-2023
 for respondent No.30018-2018
 for respondent No.3 in CWP-5881-2017
 with
 Ms. Nikita Goel, Advocate
 for respondent No.3 in CWP-13884-2024
 for respondents No.2 to 5 in CWP-2314-2023
 for respondent in CWP-8397-2023
 with
 Mr. Arvind Seth, Advocate
 for the petitioner in CWP-6202 of 2018
 for respondents No.1 to 3 in CWP-16075-2021
 for respondents No.2 and 3 in CWP-28666-2019.
 for respondent Nos. 1 to 3 in CWP-26881-2022.
 with
 Mr. Sourabh Goel, Advocate
 for the respondent-MCF in CWPs-11263 of 2017, 12121 of 2017,
 12342 of 2017, 13120 of 2018, 21202 of 2017, 24829 of 2018,
 3773 of 2017, 3803 of 2017, 7395 of 2018, 25466 of 2018 13944
 of 2018 and 3151 of 2018.
 with
 Mr. Padam Kant Dwivedi, Advocate and
 Ms. Mansi, Advocate for the respondents in CWPs- 4373 of 2019,
 6308 of 2021, 26299 of 2017, 19586 of 2022, 19218 of 2020 and
 9191 of 2021.
 for respondent No.2 in CWP- 22800 of 2016, CWP-10474 of 2020,
 CWP-19560 of 2022 & CWP-19621 of 2022.
 for respondents No.2 and 3 in CWP-26292 of 2022.
 for respondent No.3 in CWP-9628 of 2018
 for respondents No.2 and 3 in CWP-9837 of 2020,
 for respondent No.3 in CWP-6202 of 2018
 for respondent No.3 in CWP-28286 of 2018.
 with
 Mr. Hitesh Pandit, Advocate and
 Mr. Divyansh Shukla, Advocate
 for the respondent-UHBVN in CWP-7506-2024,
 for the respondent-MC Tohana-CWP-18487.
 for the respondent-HSAMB- CWP-21091-2016.
 for the respondent-HVPNL in CWP-25017-2023
 for the respondent-MC Hisar in CWP-27437-2017
 for the respondent-DHBVNL in CWP-20459-2023,
 CWP-3770-2018 & CWP-5271-2019.
 for the respondent-HEDCCTD in CWP-11016-2022.
 for the respondent-Mata Mansa Devi Shrine Board-CWP-10-2021.

Mr. P.S. Chauhan, Advocate General Haryana with
 Ms. Shruti Goyal, Sr. DAG, Haryana,
 Ms. Dimple Jain, DAG, Haryana and
 Ms. Tanushree Gupta, DAG, Haryana



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Ms. Vasundhra Asija Bhandari, Advocate
for the respondent in CWP No.32084 of 2018 and
CWP No.6516 of 2017.

Mr. Rajesh Gaur, Advocate
for respondent No.2-MC-Siwan in CWP-20374-2022
for the respondent-Housing Board in CWP-8377-2017
for the respondent-Seed Corporation in CWP-18480-2023
for the respondent-DHBVN in CWP-20465-2020.

Mr. Puneet Jindal, Sr. Advocate with
Mr. Rohit Sharma, Advocate
for respondent No.1 in CWP-5570-2020.

Mr. M.S. Sidhu, Advocate
for the respondents in CWP-30127-2018.

Mr. Nihal S. Chaudhary, Advocate
for the respondent in CWP-30961-2018 & CWP-15148-2018.

Mr. Gaurav Jindal, Advocate
for the respondent in CWPs-29641 of 2018 and 5934 of 2019.

Mr. Santosh Kumar Maurya, Advocate for
Mr. Gagandeep Singh Wasu, Advocate
for the respondent-HSIDC in CWP-10891-2016.

Mr. Ritik Mohindroo Advocate for
Mr. Vishal Garg, Advocate
for respondent No. 2 in CWP-19664 of 2020.

Mr. R.S. Longia, Advocate
for respondent Nos. 2 and 3 in CWP-20337 of 2020.

Mr. Bikram Choudhary, Advocate
for respondent No.4 in CWP-10045-2019.

Mr. Deepak Balyan, Advocate and
Mr. Vicky Chaudhary, Advocate
for respondent No.3 in CWP-24286-2017.
for respondents No.1 to 4 in CWP-5283-2019.
for respondents No.1 and 2 in CWP-9111-2019.
for respondents No.1 to 3 in CWP-14685-2018.
for respondents No.2 to 5 in CWP-32825-2019.
for respondents No.1 and 2 in CWP-200-2020.
for respondents No.1 to 3 in CWP-14345-2019.
for respondents No.1 to 3 in CWP-14379-2019.
for respondent No.1 in CWP-3129-2020.

Mr. Rishabh Gupta, Advocate
for respondent Nos. 2 and 3 in CWP-20811 of 2017.

Mr. Jagdish Manchanda, Advocate with
Mr. Devyansh, Advocate,
Mr. Saksham Kaushik, Advocate and
Mr. Yogit Mehta, Advocate
for respondent No.4 in CWP-8940-2011 & CWP-3870-2020
for respondent No. 2 in CWP-20374 of 2022.

Mr. Naman Jain, Advocate
for the respondent CWP No.6376 of 2021.



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Mr. Karanveer Ahuja, Advocate with
Mr. Subhash Ahuja, Advocate
for the respondent in CWP-23878-2017 & CWP-5501-2017.

Mr. Deepak Sabharwal, Advocate
for respondent No.5 in CWP-30784-2018.

Ms. Rajni Gupta, Advocate for the respondent

Mr. A.S. Virk, Advocate
for the respondents in CWP-15300 of 2018.

Mr. Anil Chawla, Advocate
for respondents No.1 to 3 in CWP-37410-2019 and
for respondent No.3 in CWP No.4139 of 2013.

Mr. Rajesh K. Sheoran, Advocate with
Mr. Satish Saini, Advocate,
Mr. Hardeep Singh Poonia and
Mr. Ojasvi Taak, Advocate
for respondents No. 3 & 4 in, CWP No.15891 of 2017, CWP
No.18883 of 2017, CWP No.18884 of 2017, CWP No.18885 of
2017, CWP No.15148 of 2018, CWP No.15149 of 2018, CWP
No.9264 of 2018, CWP No.9265 of 2018 & CWP No.29868 of
2018.

Ms. Sehej Sandhawalia, Advocate
for the respondent in CWP-16967-2022.

1. By this common order, a bunch of writ petitions is disposed of
as common issues are involved.

Brief Facts: -

2. The petitioners through instant petitions under Articles 226/227
of the Constitution of India are seeking direction to respondents to regularize
them and that too from retrospective date. They are employees of different
Organizations of State of Haryana like Municipal Committee, Public Sector
Companies which are engaged in the generation or distribution of power.
They were engaged as part time or contractual or adhoc workers. They
worked or are working for more than two decades. There are few petitioners
who had worked or are working for more than three decades. Few petitioners
are claiming that they should be regularized as per policy of 1996 and few
are claiming as per policy of 2011. All others are claiming regularization as
per policy of 2003.



3. The State Government in 1996 framed policy of regularization of adhoc, contractual and part time employees. The said policy was followed by policy of 2003. The majority of petitioners are claiming regularization as per policy of 2003, thus, policy of 2003 is reproduced as below:

*“Haryana Government
General Administration Department
(General Services I)
Notification
The 1st October, 2003*

No.G.S.R.24/Const./Art.309/2003.- In exercise of the powers conferred by the proviso to Article 309 of the Constitution of India read with the proviso to clause 6 of Haryana Government General Administration Department (General Services), Notification No.523-3GS-70/2068, dated the 28th January, 1970, and all other powers enabling him in this behalf, the Governor of Haryana hereby specifies such Group-C posts, as have been held for a minimum period of three years on the 30th September, 2003 by Group-C employees on adhoc/ contract or daily wage basis, to be taken out of the purview of the Haryana Staff Selection Commission. The services of such adhoc/contract/daily wage employees shall be regularised if they fulfill the following conditions, namely:-

1. Adhoc Employees/Contract Employees:

- (i) that only such Adhoc/Contract employees who have completed three years service on 30th September, 2003 and were in service on that date should be made regular. If the break in service of an adhoc/contractually employed person has been caused for no fault attributable to him, such break period should be condoned unless it is of an extraordinary longer period i.e. not more than six months. However, if the break in service has been caused due to fault of the employee like abandonment of employment, the Government may not condone the same if*



the period of such break is more than a period of 30 days;

- (ii) that the employees possessed/possess the prescribed qualification for the post(s) held in Adhoc basis/Contract basis;*
- (iii) that the work and conduct of such employees shall be of overall good category and no disciplinary proceedings/criminal proceedings are pending against them; and*
- (iv) that the employees shall be regularised, who were originally appointed against the vacant posts:*
- (v) that only those contract employees shall be regularised who are appointed against sanctioned posts on regular pay scale or on consolidated salary.*

However, the employees who have promoted on adhoc basis pending recruitment by Haryana Staff Selection Commission will not be covered under this decision.

2. Daily Wage Employees (Group C): -

That only such daily wage employees who have completed three years service on Group-C posts on 30th September, 2003 and were in service on 30th September, 2003 shall be regularised against their respective Group-C posts, provided they fulfill the requisite qualifications and were originally appointed against vacant posts. Provided further, that they have worked for a minimum period of 240 days in each year and if the break in service of a daily wage employee has been caused for no fault attributable to him, such break period should be condoned unless it is of an extraordinary longer period. However, if the break in service has been caused due to fault of the employee like abandonment of employment, the Government may not condone the same if the period of such break is more than a period of 30 days.

3. Daily-Wage Employees (Group D) :-



Only such daily wage employees who have completed three years services on Group D post(s) on 30th September, 2003 and were in service on 30th September, 2003 shall be regularised against their respective Group-D posts provided they fulfill the requisite qualification and were originally appointed against vacant posts. Provided further that they have worked for a minimum period of 240 days in each year and if the break in service of a daily wage employee(s) has been caused for no fault attributable to him, such break period should be condoned unless it is of an extraordinary longer period. However, if the break in service has been caused due to fault of the employee like abandonment of employment, the Government may not condone the same if the period of such break is more than a period of 30 days.”

4. The State Government vide notification dated 13.04.2007, in view of judgment of Supreme Court in ***Secretary, State of Karnataka v. Uma Devi, (2006) 4 SCC 1*** decided to withdraw its policies dated 17.06.1997, 05.11.1999, 01.10.2003 and 10.02.2004. The notification dated 13.04.2007 is reproduced as below:

“HARYANA GOVERNMENT
GENERAL ADMINISTRATION DEPARTMENT
(GENERAL SERVICES-1)

Notification

The 13th April, 2007

No. G. S. R. 13/Const./Art. 309/2007.-In exercise of the powers conferred by the proviso to article 309 of the Constitution of India read with the proviso to clause (6) of Haryana Government, General Administration Department (General Services), notification No. 523-3GS-70/2068, dated the 28th January, 1970, the Governor of Haryana hereby rescinds the following notifications issued in relation to regularization of services of adhoc/daily-wage/contract/part-time workers etc. forthwith :-



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1. No. G. S. R. 41/Const./Art. 309/97, dated the 17th June, 1997;
2. No. G. S. R. 101/Const./Art. 309/99, dated the 5th November, 1999;
3. No. G. S. R. 24/Const./Art. 309/2003, dated the 1st October, 2003; and
4. No. G. S. R. 5/Const./Art. 309/2004, dated the 10th February, 2004.

This notification shall not adversely affect the cases where regularization have already been made but are not sub-judice.

*PREM PRASHANT,
Chief Secretary to Government, Haryana.”*

5. The Chief Secretary to Government of Haryana vide communication dated 25.04.2007 intimated to different departments that in view of judgment of Supreme Court in ***Uma Devi (supra)***, Government has decided to withdraw all the policies of regularization of adhoc/daily wagers/contractual workers.

6. The State Government w.e.f. 29.07.2011 in terms of judgment of Supreme Court in ***Uma Devi (supra)*** introduced regularization policy. The said policy is reproduced as below: -

*“Haryana Government
General Administration Department
(General Services-I)
Notification
The 29th July, 2011*

No.G.S.R. 9/Const./Art. 309/2011.— *In exercise of the powers conferred by the proviso to article 209 of the Constitution of India read with the proviso to clause 6 of Haryana Government, General Administration Department (General Services), notification No. 523-3GS-70/2068, dated the 28th January, 1970, the Governor of Haryana hereby*



specifies such Group C posts, as have been held for a minimum period of ten years as on 10-4-2006, by Group C employees/workers on adhoc/contract/work-charged/daily wages and part-time basis to be taken out of the purview of the Haryana Staff Selection Commission.

The services of such Group C and Group D employees/workers appointed/ engaged on adhoc/contract/work-charged/daily-wages and part-time basis shall be regularized if they fulfil the following conditions, namely:—

- (i) That the employee/worker should have continued to work for not less than ten years as on 10-4-2006 and is still in service but not under cover of the orders of the Courts or Tribunals, against duly sanctioned vacant posts. The period of continuous break in such service should not be more than one month in a calendar year.*
- (ii) That the employee/worker possessed the minimum prescribed qualifications for the post on the date of appointment/engagement .*
- (iii) That the concerned employee should have been appointed only after either his name has been sponsored by the Employment Exchange or has been appointed/engaged on the basis of recommendations made by the Departmental Selection Committee by inviting applications through advertisement against duly sanctioned vacant post.*
- (iv) That the work and conduct of such employee should have been throughout satisfactory and no disciplinary or criminal proceedings should be pending against him.*
- (v) That the employee should be regularized against a sanctioned vacant post of relevant category.*
- (vi) A medical fitness certificate and documentary proof of Date of Birth as per the instructions shall be obtained from the employee concerned.*



(vii) *His antecedents should be got verified by the police as per the Government instructions if it was not done earlier.*

(viii) *No relaxation of the criteria as laid down above shall be allowed.*

2. *A part time employee fulfilling conditions mentioned above shall be regularized against a sanctioned vacant fulltime post of the same category.*

3. *Such posts are being hereby taken out of the purview of the Haryana Staff Selection Commission.*

4. *As a result of regularization of Group C adhoc/contract/work-charged/daily-wages/part-time employees/workers, the number of available vacancies in the departments may undergo a change and affect the requisitions already sent to Haryana Staff Selection Commission. Therefore, where the vacancies have not yet been advertised, the departments may after calculating at their own level decide now many vacancies are to be withdrawn from the requisition sent to the recruiting agency and send intimation of withdrawal of vacancies to the respective recruiting agency.*

5. *However, the regularly recruited employees, who have been promoted on adhoc basis on the direct recruitment posts pending recruitment by Haryana Staff Selection Commission, meaning hereby those employees who have been promoted against the vacancy of such posts, the recruitment of which is within the purview of Haryana Staff Selection Commission, shall not be covered under this policy.*

6. *The date of regularization shall be deemed to be the date of issuance of this notification. The seniority of the employees shall be fixed from the date the their regularization and they shall be placed below in the seniority to the employees last appointed on the regular basis before the issuance of this notification. However, the inter-se-seniority of such adhoc/contract/work charged/ daily-wages and part-time employees so regularized shall be determined in accordance with date of their joining the post on*



adhoc/contract/work charged/ daily wages and part-time basis. If the date of joining the post on adhoc/ contract/work charged/daily wages and part-time basis is the same, then an employee who is older in age shall rank senior to an employee younger in age.

7. *The benefit of the seniority shall be given to such employees/worker from the date of their regularization. Therefore, such employees shall be entitled to the incentives introduced under the Incentive Schemes like ACP scheme (wherein regular satisfactory service is required) from the date of their regularization. The pay of such employees shall be fixed in accordance with provisions of the service rules. Since new pension scheme has been introduced by the State Government w.e.f. 1-1-2006, such employees shall be covered under the provisions of New Pension Scheme.*

8. *Since this policy is a one time measure on humanitarian ground, therefore, no person shall be entitled to claim it as a matter of right, if found unsuitable due to non fulfilment of the conditions mentioned in this notification.*

9. *In future, no illegal/irregular appointment/employment on adhoc/ daily wages/work-charged and part time shall be made against sanctioned posts.*

10. *Such Group C and D employees/workers, who are not covered under this regularization policy but are still in service, may be given age relaxation as a one time measure, if they complete for regular appointment.”*

7. The State Government, for the reasons best known to it, vide notification dated 18.06.2014 decided to amend notification dated 13.04.2007 whereby earlier policies were withdrawn. By way of notification dated 18.06.2014, a proviso came to be inserted at the end of notification dated 13.04.2007. As per said proviso, all the adhoc/contract/daily wage/work charge employees shall be regularized w.e.f. the date they were eligible for regularization but could not be regularized due to administrative



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reasons though were otherwise eligible. The notification dated 18.06.2014 is reproduced as below:

*“Notification
The 18th June, 2014*

No. 6/7/2014-1G.S.I.-In exercise of the powers conferred by the proviso to Article 309 of the Constitution of India read with the proviso to clause 6 of the Haryana Government, General Administration Department (General Services), the Governor of Haryana hereby makes the following amendment in Haryana Government, General Administration Department (General Services-I), Notification No. G.S.R. 13/Const./Art. 309/2007, dated 13th April, 2007, namely:-

AMENDMENT

In the Haryana Government, General Administration Department (General Services-1), Notification No. G.S.R. 13/Const./Art. 309/2007, dated 13th April, 2007 the following proviso shall be added at the end, namely:-

"Provided that the left over Group "C" and "D" employees working on adhoc/contract/daily wages/work-charged basis, who could not be regularized under the regularization policy issued vide notifications mentioned at serial No. 1 to 4 above due to administrative reasons but were otherwise eligible, shall be regularized with effect from the date(s) they were eligible for regularization."

*S.C. CHOUDHARY,
Chief Secretary to Government Haryana”*

Argument of petitioners:-

8. A battery of lawyers led by Mr. R.K. Malik, Senior Advocate, vehemently pleaded that petitioners are entitled to be regularized as per notification dated 18.06.2014, however, respondent without any rhyme or reason has withheld their claim. Many employees have attained the age of



superannuation and many are on the verge of superannuation. The notification dated 18.06.2014 till date has not been withdrawn, thus, respondent is bound by said notification. There is no reason to deny them benefit of regularization. Different Benches of this Court have already upheld claim of similarly situated employees. The petitioners who have been regularized in 2014 are entitled to be regularized as per 2003 policy. Denial of regularization as per policy of 2003 would amount to violation of Articles 14 and 16 of the Constitution of India. Few employees are entitled to be regularized as per 1996 policy. There are few petitioners who have been reinstated by the Labour Court. They have been granted continuity of service, thus, they deserve to be considered for permanent post as per 2003 policy.

Argument of respondents: -

9. Learned Advocate General, Haryana and Mr. B.R. Mahajan, Senior Advocate pleaded that in view of judgment of Supreme Court in *State of Haryana and others v. Khajjan Singh and others, SLP No.9965-9974 of 2016*, question of law is still open. This Court should examine claim of petitioners without being influenced by judgments of this Court. The policy of 1996 was never withdrawn, thus, claim as per policy of 1996 is a deadwood. It cannot be rekindled. The petitioners who were issued appointment letter in 2014 were appointed as regular employees. They have not challenged their appointment letters. They are getting pay and allowances as per appointment letter. They cannot be extended benefit of 2003 policy.

10. I have heard the arguments of both sides and perused the record with their able assistance.

**Judicial precedents: -**

11. Different High Courts as well as Supreme Court prior to 2006 in many cases directed States/Union of India to regularize part time/work charged/adhoc/contractual/daily wage employees. The foundation of all the judgments was length of service. In 2006, a Constitution Bench in ***Uma Devi (supra)***, adverted to the question of regularization of temporary/part time/adhoc/daily wage employees. The Apex Court deprecated practice of employing temporary/part time or contractual employees though it held that in exigency, State can make appointment on contract basis. The Court held that regularization of contractual or part time employees would amount to legalization of back door entrants. The regularization of part time employees is violative of Articles 14, 16 & 309 of Constitution of India. The employees who are working on daily wage cannot claim discrimination on the ground that they have been paid lesser than regularly recruited employees. The High Court should not ordinarily issue directions for absorption, regularization or continuance unless the recruitment itself was made regularly and in terms of the constitutional scheme. High Court is not justified in issuing interim orders in such cases. There is no fundamental or vested right in those who have been employed on daily wages or temporary or contract basis to claim that they have a right to be absorbed in service. Merely because a temporary employee or a casual wage worker is continued for a time beyond the term of his appointment, he would not be entitled to be absorbed in regular service or made permanent, merely on the strength of such continuance, if the original appointment was not made by following a due process of selection as envisaged by the relevant rules. Merely because an employee had continued under cover of an order of the Court, would not be entitled to any right to be absorbed or made permanent in the service. It would not be

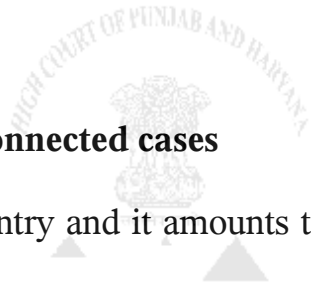


appropriate to jettison the constitutional scheme of appointment and to take the view that a person who has temporarily or casually got employed should be directed to be continued permanently. By doing so, it will be creating another mode of public appointment which is not permissible. If the contractual employment is declared void on the ground that the parties were not having equal bargaining power, it too would not enable the Court to grant any relief to that employee. The claim acquired by him in the post in which he is temporarily employed or the interest in that post cannot be considered to be of such a magnitude as to enable the giving up of the procedure established, for making regular appointments to available posts in the services of the State.

12. A two Judge Bench of Supreme Court in ***Union of India and others v. Vartak Labour Union, (2011) 4 SCC 200*** rejected claim of regularization of contractual employees who had worked for more than 30 years with Border Roads Organization.

13. A two Judge Bench of Supreme Court in ***Union of India and others v. All India Trade Union Congress and others, (2019) 5 SCC 773***, following ***Vartak Labour Union (supra)*** has held that no contractual employee can claim regularization. High Courts cannot direct authorities to frame policy and regularize the contractual employees.

14. A Division Bench of this Court vide judgment dated 31.05.2018 in ***Yogesh Tyagi and another v. State of Haryana and others, CWP No.17206 of 2014***, set aside policy of regularization made by the State. The Court has set aside policy on the ground that regularization of contractual employees who have been appointed without following prescribed procedure



amounts to back door entry and it amounts to violation of Articles 14, 16 & 309 of Constitution of India.

15. A two Judge Bench of Apex Court in ***Union of India v. Ilmo Devi, (2021) 20 SCC 290*** considered question of regularization of part time employees of Union of India. The Apex Court while setting aside judgment of this Court has held that High Court in exercise of its writ jurisdiction cannot ask State to regularize part time employees. The Court has further held that part time employees cannot claim pay parity with regular employees. The Court has noticed judgment of this Court in Para 3.4 and returned findings in Para 16-19 which are reproduced as below:

“3.4. By the impugned common judgment and order [Union of India v. Ilmo Devi, 2015 SCC OnLine P&H 5144] , the High Court has disposed of the aforesaid writ petitions with the following directions : (Ilmo Devi case [Union of India v. Ilmo Devi, 2015 SCC OnLine P&H 5144] , SCC OnLine P&H paras 22-23)

“22. We, thus, direct the petitioner authorities to revisit the whole issue in its right perspective and complete the exercise to reformulate their policy and take a decision to sanction the posts in phased manner within a specified time schedule. Let such a decision be taken within a period of six months from the date of receiving a certified copy of this order.

23. Till the exercise as directed above, is undertaken, the respondents shall continue in service with their current status but those of them who have completed 20 years as part-time daily wagers, shall be granted “minimum” basic pay of Group “D” post(s) w.e.f. 1-4-2015 and/or the date of completion of 20 years contractual service, whichever is later.”

XXXX XXXX XXXX XXXX



16. Thus, as per the law laid down by this Court in the aforesaid decisions part-time employees are not entitled to seek regularisation as they are not working against any sanctioned post and there cannot be any permanent continuance of part-time temporary employees as held. Part-time temporary employees in a Government run institution cannot claim parity in salary with regular employees of the Government on the principle of equal pay for equal work.

17. Applying the law laid down by this Court in the aforesaid decisions, the directions issued by the High Court in the impugned judgment and order [Union of India v. Ilmo Devi, 2015 SCC OnLine P&H 5144] , more particularly, directions in paras 22 and 23 are unsustainable and beyond the power of the judicial review of the High Court in exercise of the power under Article 226 of the Constitution. Even otherwise, it is required to be noted that in the present case, the Union of India/Department subsequently came out with a regularisation policy dated 30-6-2014, which is absolutely in consonance with the law laid down by this Court in Umadevi (3) [State of Karnataka v. Umadevi (3), (2006) 4 SCC 1 : 2006 SCC (L&S) 753] , which does not apply to the part-time workers who do not work on the sanctioned post. As per the settled preposition of law, the regularisation can be only as per the regularisation policy declared by the State/Government and nobody can claim the regularisation as a matter of right dehors the regularisation policy. Therefore, in absence of any sanctioned post and considering the fact that the respondents were serving as a contingent paid part-time SafaiKaramcharies, even otherwise, they were not entitled for the benefit of regularisation under the regularisation policy dated 30-6-2014.

18. Though, we are of the opinion that even the direction contained in para 23 for granting minimum basic pay of Group 'D' posts from a particular date to those, who have completed 20 years of part-time daily wage service also is unsustainable as the part-time wagers, who are working for four to five hours a day and cannot claim the parity with



other Group 'D' posts. However, in view of the order passed by this Court dated 22-7-2016 [Union of India v. Ilmo Devi, 2016 SCC OnLine SC 1933] while issuing notice in the present appeals, we are not quashing and setting aside the directions contained in para 23 in the impugned judgment and order [Union of India v. Ilmo Devi, 2015 SCC OnLine P&H 5144] so far as the respondents' employees are concerned.

19. *In view of the above and for the reasons stated above, both the appeals succeed. The impugned judgment and order [Union of India v. Ilmo Devi, 2015 SCC OnLine P&H 5144] passed by the High Court and, more particularly, the directions contained in paras 22 and 23 in the impugned judgment and order [Union of India v. Ilmo Devi, 2015 SCC OnLine P&H 5144] are hereby quashed and set aside. However, it is observed that quashing and setting aside the directions issued in terms of para 23 in the impugned judgment and order [Union of India v. Ilmo Devi, 2015 SCC OnLine P&H 5144] shall not affect the case of the respondents and they shall be entitled to the reliefs as per para 23 of the impugned judgment and order [Union of India v. Ilmo Devi, 2015 SCC OnLine P&H 5144] passed by the High Court."*

16. A two Judge bench of Supreme Court in ***Nihal Singh v. State of Punjab, (2013) 14 SCC 65*** had the occasion to consider question of regularization of Special Police Officers (SPOs) appointed under Section 17 of Police Act, 1861. A Division Bench of this Court relying upon an earlier judgment of this court dismissed petitions of 20 SPOs and matter travelled to Apex Court which turned down claim of the respondent-State of Punjab that there are no sanctioned post to absorb appellants despite their service of decades. The Court held that State cannot take undue advantage of judgment of Supreme Court in ***Uma Devi (supra)***. The said judgment cannot become licence for exploitation by the State. After availing services for decades, it is



not justified for the State to take a defence that there are no sanctioned posts to absorb the appellants.

17. In *Narendra Kumar Tiwari v. State of Jharkhand and others*, (2018) 8 SCC 238, the Apex Court dealt with denial of regularization and held that State of Jharkhand has continued with irregular appointments for almost a decade after decision in *Uma Devi's case (supra)* and it was nothing but exploitation of the employees by not giving them their benefits. Resultantly, it was held that if they had completed 10 years of service, they were to be regularized unless there is valid objection to their regularization. Resultantly, the order of the High Court was set aside which had itself placed reliance upon *Uma Devi (supra)*.

18. In *State of Karnataka and others v. M.L. Kesari and others* (2010) 9 SCC 246, the Supreme Court noticed misuse by the State and its agencies, non-compliance of order of the Apex Court and denying benefits to the employees. The Court noticed that the object as such was two folds. Firstly, that persons who had put in more than 10 years of services were to be considered for regularization in view of the long service. Secondly, it was to ensure that departments do not perpetuate the practice of employing persons on daily wage, adhoc or casual basis. It was held that persons who had worked for more than 10 years on 10.04.2006 were entitled for regularization and necessary directions were issued in the said case and those not entitled because of lack of educational qualifications were to be regularized on a lower post.

19. There are few employees who were terminated without complying with provisions of Industrial Disputes Act, 1947. They approached Labour Court seeking setting aside of their termination. The

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Labour Court ordered to reinstate them with back wages and continuity of service from the date of demand notice or date of termination. In few cases, full back wages are awarded whereas in few 25/50%. They re-joined and either are still working or have retired on attaining the age of superannuation. They are also claiming regularization as per applicable policy and their entitlement.

20. Few petitioners are claiming regularization as per 2011 policy. They have been denied benefits of 2011 policy on the ground of non-completion of 10 years service by 10.04.2006 or non-availability of sanctioned posts etc.

21. There are few employees who have been regularized from 2014. They are getting pay and allowances as regular employees since 2014. They are claiming that they were eligible for regularization as per policy of 2003 but were arbitrarily regularized in 2014. They should be regularized from retrospective date as per policy of 2003. The employees who have not been regularized, though working even prior to 2003, are getting pay and allowances payable to temporary employees. The employees regularized in 2014 are getting higher pay and allowances than payable to temporary employees. They are working with Municipal Committees/Municipal Corporations. They were subjected to walk-in-interview and thereafter, appointed on Class-IV posts.

22. The State Government in 2004 scrapped Old Pension Scheme and introduced New Pension Scheme. The rights and liabilities arising out of Old Pension Scheme are entirely different. If petitioners are regularized as per 2003 policy, they would be entitled to Old Pension Scheme and it would certainly create substantial burden on the State Exchequer.



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23. The State Government with intent to protect tenure of temporary employees has introduced The Haryana Contractual Employees (Security of Service) Act, 2024 (for short '**2024 Act**'). As per said Act, an employee who has already completed 5 years service by the notified date would be entitled to continuation of service till the age of superannuation. They shall also be entitled to gratuity and leave encashment.

24. The respondent vide letter dated 21.12.2018 decided to create posts for persons regularized under the regularization policy of 2003. In the said notification, it was incorporated that Government has decided that wherever the Administrative Department/Boards/Corporations/Autonomous Units are regularizing persons under 2003-04 policies, the Administrative Department with the approval of Finance Department may create some posts of diminishing nature to adjust such employees. The Finance Department was advised to give concurrence to creation to posts for diminishing cadre. The notification dated 21.12.2018 is reproduced as below: -

"MOST URGENT

Subject: Creation of posts for persons regularized under the regularization policies of year 2003-2004.

Will the Additional Chief Secretary to Government, Haryana, Finance Department kindly refer to the subject noted above?

2. It is intimated that vide Government notification No.G.S.R.13/Const./Art.309/2007, dated 13.4.2007, the regularization policies No. G.S.R.41/Const./Art.309/97, G.S.R. 101/Const./Art.309/99, G.S.R.24/Const./Art 309/2003 and G.S.R.5/Const./Art 309/2004, dated 17.6.1997, 5.11.1999, 1.10.2003 and 10.2.2004 respectively were rescinded. Thereafter, these policies were revived vide

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Notification No.6/7/2014-1GSI, dated 18.6.2014 by Government.

3. *Further in pursuance of Hon'ble High Court interim order dated 6.4.2018 in CWP No.15887 of 2018-Purushotam Das Vs State of Haryana wherein matter of creation of diminishing cadre for persons regularized under 2003-2004 policies No. G.S.R.24/Const./Art. 309/2003 dated 1.10.2003 and 10.2.2004 was under consideration with the State Government.*

4. *The State Government has considered the matter and decided that wherever the Administrative Department/Boards/Corporations /Autonomous Units are regularizing persons under the above mentioned regularization policies, the Administrative Department, with approval of Finance Department, may create some posts of diminishing nature to adjust such employees.*

5. *The Finance Department is hereby advised to give concurrence for creation of posts of diminishing cadre as and when any Department/Board/Corporation/Autonomous Unit submits a case for creating a post for any employee proposed to be regularized under the regularization policies of 2003 and 2004.*

6. *The same practice would also be applicable in respect of regularization policies dated 17.6.1997 and 5.11.1999. However, payment of the arrears of regular pay scale may be restricted to 38 months prior to the date of actual regularization order and other benefits may be granted to the employees.*

*Superintendent, General Services-I for Chief
Secretary to Government, Haryana*

To

*The Additional Chief Secretary to Government Haryana,
Finance Department*

*U.O. No. 6/20/2018-1 GSI Dated, Chandigarh the 21st Dec.,
2018"*



In the said notification, it was further provided that arrears of regular pay scale may be restricted to 38 months prior to the actual regularization order and other benefits may be granted to the employee.

25. In the case in hand, most of the petitioners were appointed much prior to judgment of Supreme Court in *Uma Devi (supra)*. The respondent in 2003 introduced regularization policy which lost its significance post judgment of Supreme Court in *Uma Devi (supra)*. The State, in compliance of directions of the Supreme Court, withdrew its earlier Policy of 2003 apart from three more and introduced Policy of 2011 w.e.f. 29.07.2011 whereunder many employees were regularized.

26. The petitioners were not regularized due to lack of sanctioned posts, pending litigation etc. These employees continued to work and few of them, as admitted by both sides, came to be regularized during 2014-16. The respondent at its pleasure created few posts and adjusted few employees. It was job of the State to create posts. The respondent uninterruptedly is availing services of the petitioners for decades which shows that work is available and there is need of workforce. The State despite availing services cannot claim that regular posts are not available. Posts are created by State and not by some unknown force. The Court cannot ask State to create or abolish a post or structure/re-structure a cadre, nevertheless, State cannot ignore mandate of Supreme Court. In the wake of judgment of Supreme Court in *Uma Devi (supra)*, State was duty bound to consider all the employees who by the end of 2006 had already completed service of 10 years without Court intervention.

**Petitioners claiming regularization as per 1996 Policy: -**

27. A very few petitioners are claiming regularization as per 1996 policy. They, because of following reasons, cannot be considered as per 1996 policy though may be eligible to be considered as per 2003 policy.

- i. 1996 policy was neither withdrawn in 2007 nor re-introduced.
- ii. In view of judgment of Supreme Court in *Uma Devi (supra)*, the State could not implement any policy of regularization issued prior to the date of judgment.
- iii. A period of more than three decades has passed away, thus, there is no reason to regularize as per said policy.

Petitioners claiming regularization as per 2003 Policy: -

28. This Court in *Balwinder Singh and others v. State of Haryana and others, CWP No.2009 of 2016*, decided on 31.01.2020; *Ashish Sharma and others v. State of Haryana and others, CWP No.2158 of 2020*, decided on 13.03.2024; *Usman and others v. State of Haryana and others, CWP No.5880 of 2017* decided on 08.12.2023; *CWP No.34585-2019, Ram Rattan and others v. State of Haryana*, decided on 19.10.2023, has directed the respondent to consider claim of the petitioners therein as per policy of 2003. It is apt to notice that a Division Bench of this Court has dismissed a bunch of intra-court appeals including *LPA No.688 of 2021* filed against judgment of Single Bench of this Court. The Division Bench considering notification dated 18.06.2014 and letter dated 21.12.2018 of Chief Secretary has held the employees entitled to 2003 policy. The relevant extracts of the judgment read as: -



“118. Thus keeping in view the judgment in **State of Karnataka Vs. M.L.Kesari & others, (2010) 9 SCC 247**, we are of the considered opinion that the learned Single Judges were well justified in directing consideration for regularization as the claim was on the basis of the policies which were in effect and were supplemented by others. The persons had worked for the requisite period of time and were seeking regularization as per the policies which were invogue at that point of time and they were not continuing in service on account of any litigation and did not have any interim orders in their favour. The Apex Court had noticed that the true effect of the directions passed in *Uma Devi (supra)* was that persons who had been continuing for the period of 10 years without interim orders of the Tribunals and the employer had not undertaken the exercise of regularization within 6 months of the decision in *Uma Devi (supra)* then the exercise was to be taken for the limited view and it would not disentitle the employees for their right for regularization as a one-time measure. Appointment of persons which was illegal and irregular was clarified to the extent that the illegality would be only if the appointee did not possess the required minimum qualifications and the irregularity would be if the person had been selected without undergoing the process of open competitive selection but had the prescribed qualifications. In the present cases we are dealing with cases of Class-IV employees employed as Beldar/Mali/Labourer and, therefore, the said legal impediment would not come in the way.

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119. The Apex Court in *State of Jharkhand and others Vs. Kamal Prasad and others, (2014) 7 SCC 223* while dismissing the appeals of the State and upholding the judgment of the High Court, regarding the regularization orders in favour of the Junior Engineers who had been working for 29 years was held to be legal and by holding that they were covered under the exceptions made in *Uma Devi (supra)*. Resultantly, while placing reliance upon the judgment passed in *Olga Tellis & others Vs. Bombay*



Municipal Corporation & others, (1985) 3 SCC 545, it was held that the High Court had rightly come to the conclusion that the action of the State was arbitrary and it shocked the conscious of the Court that the persons had worked for 29 years and had been discharging permanent nature of duties. Therefore, it was held that the judgment could not be vitiated on account of any erroneous finding or suffering from any error in law.

120. Thus, we are of the considered opinion that a window had been kept open by the State that the policies dated 17.06.1997, 05.11.1999, 01.10.2003, 10.02.2004 were to be applied to persons who had not been regularized and, therefore, it does not lie in the mouth of the counsel for the State to argue that the policies stood withdrawn. The learned Single Judges were justified in issuing directions for consideration. As noticed above the claim is based on a legal right for seeking issuance of a writ of mandamus and in such circumstances it cannot be said that the learned Single Judges were in error in allowing the writ petitions. Accordingly, the appeals filed by the State are dismissed. All pending civil miscellaneous applications, if any, are also disposed of.”

29. The respondent by notification dated 18.06.2014 inserted proviso in the notification dated 13.04.2007 whereby previous policies were withdrawn. As per said proviso, all the employees who could not be regularized under the regularization policies of 17.06.1997, 05.11.1999, 01.10.2003 and 10.02.2004 due to administrative reasons but were otherwise eligible shall be regularized w.e.f. the date they were eligible for regularization. Till date, the said notification has not been withdrawn. It is apt to notice that said notification was issued in exercise of power conferred by proviso to Article 309 of the Constitution of India. This Court in multiple petitions, relying upon aforesaid notification, has held that State is bound to consider claim of all the employees as per policy dated 01.10.2003. Despite

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repeated orders and existence of aforesaid notification, the State is arguing contrary to its policies. The State is bound by its notification which is having statutory force. Unless and until the said notification is withdrawn, the State is bound to implement the same in letter and spirit.

30. In the light of afore-cited judgments of this Court and notification dated 18.06.2014 coupled with letter dated 21.12.2018 of Chief Secretary, Haryana, this Court, in view of principles of judicial precedents and comity, has no option except to direct the respondent to consider claim of petitioners as per policy of 2003.

Petitioners claiming regularization as per 2011 Policy: -

31. There are few petitioners who are claiming regularization as per policy of 2011. As per said policy, the employee was required to complete 10 years service by 10.04.2006. The said policy was framed in the light of judgment of *Uma Devi (supra)*. The respondent has rejected claim of the petitioners on the ground that they have not completed 10 years service by 10.04.2006. There is marginal shortfall. The petitioners are claiming that marginal shortfall should be ignored especially in view of the fact that as per judgment of Supreme Court in *Uma Devi (supra)*, policy was required to be framed within 6 months from the date of judgment whereas respondent framed policy in 2011 i.e. after the expiry of 5 years from the date of judgment. The respondent should consider 10 years' service as on the date of introduction of 2011 policy.

32. The respondent is denying benefit of 2011 policy on the ground that any relaxation in the prescribed minimum period would amount to re-writing the policy. The question of waiver of condition of 10 years' service as on 10.04.2006 is pending before the Supreme Court still if this Court



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directs, the respondent would consider case of the petitioners as per 2011 policy subject to outcome of *SLP (Civil) No.18374 of 2022*.

33. Supreme Court recently in *Jaggo v. Union of India and others, 2024 SCC OnLine SC 3826*, noticing judgment of Constitutional Bench in *Uma Devi (supra)* has held that no employee can be kept temporary for an indefinite period. An employee has right to be considered for regularization.

34. In the light of direction of Supreme Court in *Uma Devi (supra)* to the effect that policy of regularization be made within 6 months from the date of judgment and recent judgment of Supreme Court in *Jaggo (supra)*, this Court finds it appropriate to direct the respondents to consider claim of the petitioners in the light of 2011 policy as well as recent judgment of Supreme Court in *Jaggo (supra)*. The respondent would condone shortfall to the extent of three months subject to outcome of *SLP(Civil) No.18374 of 2022*. It is further made clear that if petitioners are found eligible for regularization as per Policy of 2011, they, without interest, would be entitled to arrears from the date of filing petition before this Court.

Claim of petitioners who were regularized in 2014: -

35. The petitioners claim that they joined the respondent prior to 2003 as Daily Wager. They continued to work till their date of superannuation. They, from time to time, made representation to the respondent to regularize them as per policy of 2003 followed by policy of 2011. Their case was again considered in 2014 and they were regularized in 2014.

36. Learned counsel for the petitioners submit that petitioners were entitled to regularization as per policy of 2003 as well as 2011. They were

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considered for regularization as per those policies, however, never extended benefit which was though extended to similarly situated employees. They had objected to their regularization in 2014. The appointment letters of 2014 and their affidavits cannot deprive them from their valuable right accruing from 2003 policy. The similarly situated employees were regularized as per policy of 2003, thus, there would be violation of Articles 14 and 16 of the Constitution of India if they are not regularized from 2003.

37. The petitioners are heavily relying upon different judgments of this Court. They are further claiming that by different judgments, Single Judges as well as Division Benches have held the employees entitled to regularization w.e.f. 01.10.2003 as per policy of 2003. From the perusal of judgments cited by the petitioners, it is evident that there is no case where a Coordinate or Division Bench of this Court has adverted to factum of regularization of employees of Municipal Corporation in 2014 and thereafter ordered to regularize as per policy of 2003. No Bench has considered the fact that petitioners accepted terms and conditions of appointment letter and furnished affidavit to this effect. The petitioners at this belated stage are claiming that they are Class-IV employees and under compelled circumstances accepted appointment letter as well as furnished affidavit. Copy of one such appointment letter and affidavit is reproduced as below: -

Appointment Letter: -

*“From
Commissioner,
Municipal Corporation, Faridabad.
To
Shri Umed Singh S/o Shri Natthi Singh,
Village Daulpur, Faridabad.
Memo No: MCF/EO/2014/4535
Date: 22/08/14*



Subject- Regarding regularization on the post of Helper to Water Pump Operator.

In compliance to the letter number 12/105/2014-5C1 dated 13.08.2014 of the Additional Chief Secretary, Haryana Government, Urban Local Bodies Department, after being found eligible after the interview conducted by this Corporation on 19.08.2014, you will be selected on the basis of the following conditions Regularly placed on the post of Helper to Water Pump Operator in the fixed pay scale of Pay Band 4440-7440+ Grade Pay Rs.1300 along with other allowances etc. which are payable from time to time as per the rules, regularized and placed on a probationary period of two years.

1. Your services during the period of service in the Municipal Corporation shall be governed by the Punjab Civil Services Rules, the Haryana Municipal Employees (Recruitment and Conditions of Service) Rules, 1998, the instructions issued by the Government from time to time and the rules adopted/to be adopted by this Corporation be operated under.

2. If in the near future the Government will give you any instructions, policy regarding the said appointment changes will be automatically applicable to you.

3. If your work and conduct is found unsatisfactory during the above probation period. So your services can be terminated.

4. That you will give an affidavit to the effect that:-

- a. That if you are married, you have a wife living.*
- b. You are not an employee dismissed from the office of any Central Government/State Government/Local Body etc.*
- c. You are not convicted by any court in any criminal case.*

5. You will have to get yourself medically examined by the Civil Surgeon, Faridabad. If you are found to be suffering from any disease or if you are found physically unfit for any other reason, you will be declared unfit for service by the Civil Surgeon, Faridabad, will not be kept in the services of.

6. You will be pre-character verification done by Haryana Police Department and if you are found unfit for government services by the police department for any reason, you will not be kept regularly in the services of the corporation.

7. The documents given by you at the time of interview will be scrutinized and found wrong. Appropriate action will be taken upon departure.

8. You will be appointed to any post in the State of Haryana on the orders of the Appointing Authority/State Government. Location/Department can be transferred to any place.

9. You will not be given any salary/benefits in addition to the salary etc. given to you before the date of regularization



on 01.07.2014 and the claim made by you in this regard in future will not be valid in any way. You will have to give an affidavit attested by Executive Magistrate Ist Class.

10. Your services will be implemented under the Contributory Pension Scheme after regularization.

11. Will you be entitled to any travel expenses for the journey to be undertaken by you for joining the post? Traveling Allowance/Daily Allowance will not be given.

If you accept the conditions mentioned above, then you should submit its consent in writing and submit your joining report to the Chief Engineer within seven days, otherwise the said appointment letter will be considered cancelled.

Commissioner.”

Affidavit: -

I, Umaid Singh s/o Shri Natthi Singh, resident of Dayalpur, Tehsil Ballabgarh, District Faridabad, Haryana and I hereby solemnly declare that:

- 1. That I am a permanent resident of the above address.*
- 2. That I am married, my wife's name is Indravati, who is alive.*
- 3. That I am not an employee dismissed from the office of any Central Government / State Government/Local Body etc.*
- 4. That I am not convicted by any court in any criminal case.*
- 5. That I have neither been given nor will be given any salary/benefits other than the salary etc. given to me before the date of regularization on 01.07.2014, on which I have no objection.*
- 6. That the above statements are correct.*
- 7. That I have not been given, nor will be given any salary/benefits other than the salary etc. given to me before the date of regularization on 01.07.2014, on which I have no objection, and, I will not do any kind of club in future, if I do, it should not be considered valid.*

Deponent

Certified that all the statements in this affidavit are true to the best of my knowledge and belief and nothing has been concealed therein. dated 01.09.2014.

Deponent”



38. The petitioners, as per terms and conditions of the appointment letter, furnished their affidavit to the effect that they will not claim any other benefit. They, at this stage, want to resile from said affidavit despite the fact that they have already enjoyed fruit arising out of the appointment letter. They have got salary since 2014 as payable to regular employees. All the judgments cited by petitioners enunciate that no employee should be kept as temporary or adhoc for an indefinite period. There is no judgment which holds that an employee who was granted appointment letter as permanent employee from a particular date as per policy/decision, can claim regularization from retrospective date despite accepting permanent post and terms & conditions of appointment letter.

39. From the perusal of appointment letter, it is evident that petitioner was appointed as regular employee on the post of Helper to Water Pump Operator. It was mentioned in the appointment letter that an interview was conducted on 19.08.2014 and he was found eligible in the interview. He was subjected to police verification as well as medical examination. In the terms & conditions, it was pointed out that he would not be entitled to any other benefit and he shall furnish affidavit to the effect that he would not demand any benefit in future.

40. In view of permanent appointment of the petitioners and their acceptance of terms & conditions of appointment letter, they waived their rights accruing from previous policies. They happily accepted terms and conditions of appointment letter and worked as per said letter. They cannot be heard to say that appointment letter must relate back to 2003 as per policy of 2003. The petitioners were not regularized in 2014 on the basis of past service whereas it was their fresh appointment as a regular employee though

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they were extended age relaxation. They were subjected to walk-in-interview and appointed after following prescribed procedure. If they are extended regular post from retrospective date, it would be contrary to their appointment letter and affidavit. It would also be contrary to principle of estoppel.

Conclusion: -

41. In the wake of above discussion and findings, it is hereby held:-

- i. No petitioner would be regularized as per policy of 1996;
- ii. The respondent shall consider and decide claim of petitioners, within 6 months from today, who are claiming regularization as per policy of 2003;
- iii. If any of the petitioners is found eligible to regularization as per policy of 2003, he shall be entitled to arrears from the date of filing petition before this Court. The arrears shall not carry interest. If any petitioner has already retired, his/her pensionary benefits will also be fixed/revised apart from arrears from the date of filing petition before this Court. It is made clear that this Court has not declared that policy of 2003 is applicable to each instrumentality of the State Government. The competent authority of each organization would independently examine this aspect and employee would be granted opportunity of hearing if any adverse opinion is formed.
- iv. The respondent shall consider and decide claim of petitioners, within 6 months from today, who are



claiming regularization as per policy of 2011. The respondent while deciding claim of employees as per policy of 2011 shall take care of findings recorded hereinabove.

- v. If any of the petitioner is found eligible to regularization as per policy of 2011, he shall be entitled to arrears from the date of filing petition before this Court. The arrears shall not carry interest.
- vi. Any employee who has already been made permanent by way of appointment letters issued in 2014 shall not be entitled to benefit of previous policies of regularization.
- vii. The petitioners who are not eligible to benefit of policy of 2003 or 2011 shall be considered as per 2024 Act. Their claim would also be reconsidered as per policy of 2014 after final decision of Supreme Court with respect to validity of policy of 2014.

42. All the petitions are hereby disposed of in above terms.

43. Before parting with the judgment, this Court would hasten to add that respondent in 2007, in the light of judgment of Supreme Court in ***Uma Devi (supra)***, withdrew its earlier policies of regularization and introduced fresh policy in 2011 which was strictly in terms of judgment of Supreme Court. There was no reason to bring into force notification dated 18.06.2014. The said notification was in the teeth of Constitution Bench judgment in ***Uma Devi (supra)***. This Court cannot form any opinion contrary to judgments of this Court as discussed hereinabove, however, is of



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the opinion that notification dated 18.06.2014 was issued in stark contradiction of judgment of Supreme Court in *Uma Devi (supra)*.

(JAGMOHAN BANSAL)
JUDGE

22.01.2025
Mohit Kumar

Whether speaking/reasoned	Yes
Whether reportable	Yes