
(2006) 08 P&H CK 0239
In the Punjab And Haryana At Chandigarh
Case No : CWP No. 8994 of 2005

Prem Bahadur

APPELLANT

Vs

State of Haryana and Others

RESPONDENT

Date of Decision : 07-08-2006

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (2006) 08 P&H CK 0239

Hon'ble Judges : M.M.S. Bedi, J;M.M. Kumar, J

Bench : Division Bench

Advocate : Gobind Dhanda, for the Appellant; Harish Rathee, D.A.G., for the Respondent

Final Decision : Dismissed

Judgement

M.M. Kumar, J.—The prayer made by the petitioner in the instant petition filed under Article 226 of the Constitution is for quashing clause No. D(8) of the policy/ instructions dated 10.2.2004 (Annexure P.3) postulating that engagement of employees with daily wage Group C & D employees would be regularised who were engaged before 31.1.1996 if they fulfil all other conditions. A further direction has been sought for quashing order dated 11.2.2004 (Annexure P.1) whereby the claim of the petitioner for regularisation of his services have been rejected on the ground of non fulfillment of afore-mentioned condition. In response to notice of motion, the respondents have filed the written statement taking a preliminary objection that the claim made by the petitioner cannot be granted in view of the judgement of the Hon''ble Supreme Court in the case of Secretary, State of Karnataka and Others Vs. Umadevi and Others, . In the afore-mentioned judgement various propositions have been laid down including the proposition that the daily wage employee or adhoc employee cannot be offered permanent employment unless it is shown that the competing claims of all those who were entitled to be considered were given opportunity to apply and compete for the post in respect of which regularisation has been claimed. We have have

also considered numerous submissions made by learned Counsel at length in the case of *Rajinder Kumar v. State of Haryana and Ors.* (CWP No. 7563 of 2005 decided on 25.4.2006). Therefore, we do not find any ground to interfere. Moreover, even the cause of the petitioner does not survive after the opinion expressed by the Constitution Bench in the case of *Uma Devi* (*supra*). There is no merit in this petition. Dismissed.