HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CWP-34585-2019
Reserved on 21.07.2023
Decided on 19.10.2023

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Ram Rattan & Ors. ... Petitioners

VS.

State of Haryana & Ors. ... Respondents

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CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

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Present: Mr. RS Randhawa, Advocate for the petitioners

Ms. Dimple Jain, DAG Haryana for respondents No.1, 2 & 4

Mr. Hitesh Pandit, Advocate for respondent No.3

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Sandeep Moudgil, J.

(1). The petitioners have filed the present writ petition invoking Article 226 of the Constitution of India with a prayer for issuance of a writ in the nature of *certiorari* for quashing of the Office Order dated 25.01.2019 (Annexure P-1) whereby respondent No.3 has rejected the claim for regularization of the petitioners. They further seek a direction to the respondents to regularize their services in view of various judicial pronouncements of this Court as well as the Apex Court and also on the principle of 'equal pay for equal work'.

(2). The petitioners are working under respondent No.3 – Municipal Corporation, Faridabad on various posts viz. Beldar, Masson, Electrician Helpers, Tubewell Helpers, Valveman etc. and were appointed as such since the year 1993 to 1995 (as tabulated in para 3 of the writ petition) and as such they have put in around 25 years of service when the writ petition was filed and till that time, the petitioners were drawing a meagre salary of around 5731/- in December, 2015. The petitioners made several representations

including a joint representation on 11.02.2011 (Annexure P-6) wherein, the petitioners, while relying on the circulars dated 13.08.2014 (Annexure P-3) and 01.08.2014 (Annexure P-4), requested the respondents to regularize their services by treating them at par with the regularized employees in accordance with the decision of the Supreme Court in SLP No.7105-06 of 2014 (Civil Appeal No.3209 of 2015). Notwithstanding this fact, the respondent No.3 vide impugned order dated 25.01.2019 declined to consider the case of the petitioners for regularization since they did not fulfill the prescribed educational/age criteria as well as on the ground of non-fulfillment of the terms and conditions of any of the policies which were notified up to 01.10.2003 including the directions of the State Government issued vide memo No.12/105/2014-5K-1 dated 13.08.2014.

(3). Learned counsel for the petitioners contended that the services of the similarly-situated employees have already been regularized but the petitioners have been left out for the reasons best known to the respondents. A list of such employees who had joined after the petitioners had joined the services, has also been attached as Annexure P10 to show that the respondents have discriminated against the petitioners who have to their credit more than 30 years of service till date.

(4). It is urged that the action of the respondent in rejecting their claim for regularization vide impugned order (Annexure P-1) is most arbitrary and is in violation of the well settled proposition of law. The ground of rejection of petitioners' claim for regularization is primarily due to non-fulfilling of educational qualification by the petitioners whereas the respondents have adopted pick and choose policy and have discriminatorily

granted relaxation of educational qualification and age limit to other similarly situated daily wagers.

(5). The further argument advanced on behalf of the petitioners is that there are regular posts available with the respondent-Corporation but the same are not being filled up from amongst the petitioners which is against the circulars dated 13.08.2014 (Annexure P-3) and 01.08.2014 (Annexure P-4). Counsel urged that undeniably, the respondents need the services of the petitioners and that being so, the petitioners deserve pay and allowances and other service benefits as are admissible to a regular employee on the principle of 'equal pay for equal work'. Moreover, it is contended that the petitioners have already crossed the maximum age limit way back to join the assignments and as such their future and their family's would be lurched in dark.

(6). Notice of motion in this case was issued on 27.11.2019 and thereafter, the respondent No.3 has filed reply on 04.10.2020.

(7). In preliminary submissions, the respondent No.3 has highlighted the fact that in pursuance to State Government policy No.12/105/2014-5K-1 dated 13.08.2014 (Annexure P3), the petitioners had also applied for the benefit of direct recruitment but the petitioners could not be considered as they failed to submit their educational qualification documents i.e. Middle Pass and also the maximum age limit than as has been prescribed in the policy (Annexure P3) as well as in the Haryana Municipal Corporation (Recruitment and Conditions) Service Rules, 1998. It is also averred that the services of the petitioners could not be regularized due to non-availability of such sanctioned posts. The respondents have also depicted the reasons for

non-consideration of the petitioners in a tabulated form which is reproduced as under:-

Sr.No.	Petitioner No.	Reason
1	1 to 4, 7, 8, 9, 10, 12, 13, 14, 16, 17 to 27, 30 to 36, 38, 39, 41 to 107	They do not fulfill the educational qualification i.e. "middle pass" as prescribed in the 1998 Rules
2	6	Non-fulfillment of educational qualification i.e. "Middle Pass" and was more than 55 years of age at the time of walk-in-interview
3	11	He had not submitted his matriculation certificate (10th) in the interview held on 19.08.2014 but later he had submitted the same. On his request, he was also given permission vide No.986 dated 07.04.2016 to 10th Examination
4	28	He had submitted his 9th pass certificate on 26.08.2014 but submitted later after the interview
5	29	More than 55 years of age at the time of interview
6	37	Absent in interview and non-fulfilling the educational qualification i.e. "Middle Pass"
7	40	Non-submission of matriculation certificate but later submitted. In record his name is Kale Ram but informed later that his name is Lekh Ram
8	5, 15	Non-fulfillment of educational qualification i.e. "Middle Pass" and the post of Mason in Municipal Corporation is Class-III post

(8). Mr. Hitesh Pandit, Advocate for respondent No.3 also averred that some of the petitioners i.e. petitioners No.1, 70, 73, 75, 76, 100, 102 & 104 have already filed civil suit No.CS/532/2017 (Suresh & Ors. vs. Commissioner, MCF & Ors. and this fact has not been disclosed in the writ petition by the petitioners. Thus, the writ petition deserves to be dismissed since the petitioners have not come to this Court with clean hands.

(9). The petitioners have filed replication to the reply filed by respondent No.3 stating therein that 1998 Rules does not apply to the petitioners because the petitioners were recruited prior to 1995. It is urged that the petitioners are entitled to be regularized as per the judgment of this Court in ***(CWP-9899-1996) Ved Pal vs. Municipal Corporation, Faridabad,*** (Annexure P-14) wherein it was held that the amendment in Rules, 1998 was not applicable to the writ-petitioner who was appointed prior to the amendment and that rejection on the basis of educational qualifications only and neglecting the age and years of service was negated. He further clarified that the civil suit was in fact filed against the petitioners and not by the petitioners and the relief sought in the said civil suit is different from the relief sought in the present writ petition.

(10). Heard learned counsel for the parties and gone through the record.

(11). On examination of the record and after hearing the submissions of respective counsel of the parties, the case of the petitioners evidently has been rejected for regularization of their services for not fulfilling the requisite qualification holding them not entitled as per policy dated 01.10.2003 as amended on 13.08.2004. On facts, it can be crystallized that the petitioners were engaged on daily-wages/muster roll in the year 1993 by the Corporation and as such the respondent-Corporation availed their services without any notional break. However, the petitioners were working on different Class-IV posts and the essential qualification as per the Appendix attached with the Haryana Municipal Service (Integration, Recruitment and Conditions of Service) Rules, 1982, which was prevalent, at that time, was for various

Class-IV posts viz. Chowkidar, Lightman, Water Coller Attendants, Beldar, Mashki/Water Carrier-cum-mashki, Bahashties, Cartmen, Donkeymen, chain-pullers, Road gangmen, Coolies, Trech Coolies, was that the person should be able to "read and write" only.

(12). The respondents have primarily defended the claim of petitioners putting heavy reliance on the ratio laid down by the Apex Court in ***Secretary, State of Karnataka and others vs. Umadevi and others, 2006(3) SLR 1*** to say that all the regularization policies have been withdrawn by the State of Haryana issued prior to 2006 and therefore, the petitioners cannot be regularized in the absence of any policy in existence and as such, no legal right accrues in their favour.

(13). In the light of aforesaid stands, it would be obligatory for this Court to consider the case law in Uma Devi's and Others (supra). The Supreme Court has held therein that no mandamus can be issued to regularize and absorb those in regular service who were engaged on daily wages/adhoc without following the procedure prescribed by the Rules applicable for recruitment. However, the observations made in paragraph 26 of the said case law, it has been observed as under:-

> *"26. It is not necessary to notice all the decisions of this Court on this aspect. By and large what emerges is that regular recruitment should be insisted upon, only in a contingency an ad hoc appointment can be made in a permanent vacancy, but the same should soon be followed by a regular recruitment and that appointments to non-available posts should not be taken note of for regularization. The cases directing regularization have mainly proceeded on the basis that having permitted the employee to work for some period, he should be absorbed,*

> *without really laying down any law to that effect, after discussing the constitutional scheme for public employment."*

(14). A perusal of the said judgment makes it abundantly clear that certain guidelines were issued to regularize the services of those employees, who were taken into job on daily wage/adhoc/contractual basis, but at the same time proceeded on to observe that only in a contingency, an adhoc appointment can be made in a permanent vacancy, but the same should soon be followed by a regular recruitment and that appointments to none available posts should not be taken not for regularization. It has also further says that the cases directing regularization, wherein the employees have been permitted to work for some period should be absorb without really laying down any law to that effect, after discussing the constitutional scheme for public employment. In the instant case, admittedly petitioners are working since 1993 i.e., more than 3 decades as on date, but for one or the other reason taking excuses, the respondent-State has absolved itself from the duty as a socialistic welfare State, which otherwise tantamounts to unfair labour practice or unfair means on its part to avail the services of such petitioners to their own advantage, who have devoted more than 60 % of life span for a meagre amount, which may not be even sufficient to maintain themselves what to talk of their dependents in the family.

(15). After the judgment of Uma Devi (supra), the Supreme Court in ***Union of India and others vs. Vartak Labour Union, 2011(2) SLR 414***, quashed the judgment delivered by a Division Bench of the Gauhati High Court wherein a direction was issued to regularize employees of Union who had put in about 30 years of service with the BRO. However, the Supreme

Court gave a directions to the Union of India to consider enacting an appropriate regulation/scheme for absorption and regularization of the services of the casual workers engaged by BRO for execution of its on-going project.

(16). Even a Division Bench of our own High Court in ***Union of India and others vs. Surinder Pal and others, 2012(3) SLR 433*** affirmed the decision of the Single Bench, who gave direction to the respondents to frame a scheme in terms of the directions issued by Supreme Court in ***Vartak Labour Union's*** case (supra).

(17). Coming back to the writ petition in hand, the petitioners are the employees in Class-IV category, who were taken into job between the year 1993 to 1995 and at that time according to the Rules of 1982, the essential qualification required for the post of Chowkidar, Lightman, Water Coller Attendants, Beldar, Mashki/Water Carrier-cum-mashki, Bahashties, Cartmen, Donkeymen, chain-pullers, Road gangmen, Coolies, Trech Coolies, on which the petitioners are working was that the person should be able to “read and write” only.

(18). The only objection taken by learned counsel for the respondent No.3, while referring to Circular dated 13.08.2014 (Annexure P3) whereby one time policy was issued to all the Municipalities of the State to fill their vacant posts of various Class IV employees through direct recruitment while giving relaxation in their age upto 55 years for those who have minimum 10 years’ experience with a further stipulation providing relaxation in educational qualification for the post of Sweeper. This objection is not tenable as on the date of appointment of the petitioners, the requirement of

possessing the essential qualification of Middle pass and above was not in existence, which came into being for the first time, by way of an enactment, namely, Haryana Municipal Corporation (Recruitment and Conditions) Service Rules, 1998. This enactment cannot be pressed into against the present petitioners to their disadvantage, since at the time they were taken into service by the respondents, it was Rules of 1982, which prescribed for minimum educational qualifications.

(19). This Court is oblivious of the fact that the petitioners are working for the last more than 30 years, which is sufficient to the mind of this Court to hold that there is regular need of their services and if the State Government/respondent No.3 have failed to make regular appointments in the absence of sanctioned posts, the petitioners cannot be put to harassment on that account, having no fault of theirs. The instant case is a glaring example to demonstrate lethargic and callous approach of State and its instrumentalities, who are satisfied with engagement of petitioners on daily wage basis for the obvious fact that the financial liability is minimum as against the responsibility and primary duty bestowed with it under the Constitution of India, as envisaged under Articles 14 & 16 that no action of the State should be arbitrary and it shall also not smell of discrimination and inequality. In fact, such act on the part of State authorities tantamount to unfair labour practice and wrongful means to extract maximum from a poor class-IV category employee and in return giving them the possible minimum under the garb of DC rates. In case, the petitioners had been regularized in time under the policy dated 01.10.2003, they might have earned not only the promotion, but annual increments and allowances like dearness allowance,

medical allowance, house rent allowance etc., of which they are being deprived of, which has resulted into creation of inequality among the regular cadre employees with the petitioners not only for emoluments and allowances, but for sense of security in service as well.

(20). Lastly in addition to above, the claim as made by the petitioners to be treated at par being similarly situated with the petitioners whose services have been regularized in pursuance to the judgment dated ***19.12.2019 passed in CWP-17812-2017 titled as Mamman Ram vs. State of Haryana and Another***, who was also an employee of the Municipal Corporation, NIT Faridabad-respondent No.3, who entered into service as Beldar on daily wage basis in May, 1995 after considering the applicability of Rules of 1982 is concerned, there is no denial to the said argument by the respondent No.3 or on behalf of respondents No.1, 2 and 4, is also decided in favour of the petitioners. Therefore, the petitioners are held to be eligible for regularization of service under the policy of 01.10.2003 also for being similarly situated, as the writ petition is squarely covered vide judgment dated 19.12.2019 passed in CWP-17812-2017, which has attained finality and the petitioners therein stand regularized. This very proposition is also settled by a judgment of the Supreme Court in ***Om Prakash Banerjee vs. The State of West Bengal and Ors., passed in Civil Appeal No.4210 of 2023 decided on 19.05.2023***, wherein vide para 26 to 28, it held as under:-

> *26. The facts of U.P. SEB (supra) are similar to the case at hand. The relevant portion of the said judgment is being reproduced hereunder:*
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> ***"3.** By means of the writ petition, 34 petitioners who were daily wage employees of the Cooperative Electric Supply Society*

(hereinafter referred to as "the Society") had prayed for regularisation of their services in the U.P. State Electricity Board (hereinafter referred to as "the Electricity Board"). It appears that the Society had been taken over by the Electricity Board on 3-4-1997. A copy of the minutes of the proceeding dated 3-4-1997 is Annexure P-2 to this appeal. That proceeding was presided over by the Minister of Cooperatives, U.P. Government and there were a large number of senior officers of the State Government present in the proceeding. In the said proceeding, it was mentioned that the daily wage employees of the Society who are being taken over by the Board will start working in the Electricity Board "in the same manner and position".

4. *Pursuant to the said proceeding, the respondents herein were absorbed in the service of the Electricity Board.*

5. *Earlier, the Electricity Board had taken a decision on 28-11-1996 to regularise the services of its employees working on daily-wage basis from before 4-5-1990 on the existing vacant posts and that an examination for selection would be held for that purpose.*

6. *The contention of the writ petitioners (the respondents herein) was that since the Society had been taken over by the Electricity Board, the decision dated 28-11-1996 taken by the Electricity Board with regard to its daily wage employees will also be applicable to the employees of the Society who were working from before 4-5-1990 and whose services stood transferred to the Electricity Board and who were working with the Electricity Board on daily-wage basis.*

7. *The learned Single Judge in his judgment dated 21-9-1998 held that there was no ground for discriminating between two sets of employees who are daily wagers, namely, (i) the original employees of the Electricity Board, and (ii) the employees of the Society, who subsequently became the employees of the*

Electricity Board when the Society was taken over by the Electricity Board. This view of the learned Single Judge was upheld by the Division Bench of the High Court.

8. *We are in agreement with the view taken by the Division Bench and the learned Single Judge.*

9. *The writ petitioners who were daily wagers in the service of the Society were appointed in the Society before 4-5-1990 and their services were taken over by the Electricity Board "in the same manner and position". In our opinion, this would mean that their services in the Society cannot be ignored for considering them for the benefit of the order dated 28-11-1996.*

19. *In the present case many of the writ petitioners have been working from 1985 i.e. they have put in about 22 years' service and it will surely not be reasonable if their claim for regularisation is denied even after such a long period of service. Hence apart from discrimination, Article 14 of the Constitution will also be violated on the ground of arbitrariness and unreasonableness if employees who have put in such a long service are denied the benefit of regularisation and are made to face the same selection which fresh recruits have to face."*

27. The principles of natural justice, too, demand that the Appellant cannot be denied the benefit of the regularisation of services when his similarly placed fellow employees have been granted the said benefit.

28. Therefore, we do not agree with the view taken in the impugned judgment of the High Court as well as by the learned Single Judge in Writ Petition No. 31399 (W) of 2017. The Appellant herein, in our considered opinion, is entitled to receive back wages and benefits from 1991, along with an interest of 10%.

(21). Now, the stand of the respondents derived from ***Uma Devi's case (supra)*** that the daily-wagers like that of the petitioners were not recruited through Employment Exchange or other proper mode of recruitment to say that they have entered into service by way of backdoor entry without following the procedure and also do not possess the educational qualification commensurate to the post on which they were taken into employment is also totally unfounded and ill-oriented. In fact, the case law including the ***Uma Devi's case (supra)*** and thereafter vide various other pronouncements by the Supreme Court itself, the intent and spirit to protect the employees from exploitation by incorporating the guidelines that no such employee should be regularized by floating policies for regularization, from time to time, and as a one-time measure only those employees be considered for regularization, who have completed 10 years of service. This observation/guideline is to be read keeping in mind the basic principles of legal jurisprudence i.e., law is to be read and interpreted to be beneficial for the suffered to protect the legal rights of those employees, who shall not be kept into service on daily-wage/contract/work-charge/part-time basis, for a long indefinite period.

(22). The well settled and established principles of law would come into play once an employee is allowed to continue for a reasonable long period in this manner alone, to establish that the work is available and there is a regular need of his/her services on the said post and if the State is not willing or eager to create posts enhancing the number of sanctioned posts in that cadre, the petitioners cannot be put to disadvantageous position in their service career and life otherwise such a practice would certainly and

undoubtedly violate Article 21 of the Constitution of India, apart from loosing sanctity of Articles 14 & 16 of the Constitution of India.

(23). It is also to be answered by the State alone that if today it is permitted to take an umbrella to protect itself, that in fact is not a protection to get rid of its duties and responsibilities as a socialistic welfare State for its citizen especially such like petitioners, who have given their considerable life span to secure the people of State through its various departments, boards, corporations and its other authorities, what forced the State to continue with such employment. It is itself sufficient to infer that there was no sincere effort on the part of the State to make regular appointments against the posts on which the petitioners were working on temporary/contractual/daily-wage/work-charge including on part time basis, what to talk of enhancing the number of sanctioned posts on its own.

(24). If judgment in ***Uma Devi's case*** alongwith subsequent enunciated case laws is collectively read, it nowhere indicates that such employees like the petitioners, in the instant writ petition would not be regularized, despite the fact that they are in service for the last more than one decade and in the instant case it is beyond three decades. I would like to state that instant writ petition is a case of gross violation of Articles 14 & 16 of the Constitution considering the admitted fact that the petitioners are working with the respondents since the year 1993-95 as per the table provided in para 3 of the writ petition and have not been regularized so far, moreover their several of co-employees including the juniors in the sense that they were engaged as daily-wagers much later to the petitioners have been regularized in service. A list of such employees has been placed before this Court as

Annexure P-10 to the writ petition demonstrating the discrimination meted out to the petitioners.

(25). Since the respondents have placed heavy reliance on Uma Devi's (supra) to contend that there is no fundamental right available to such employees who are engaged on daily wages or temporary or on contractual basis, to claim that they have a right to be absorbed in service, while referring to para 19 thereof, which is being reproduced hereinbelow:-

> *"19. One aspect arises. Obviously, the State is also controlled by economic considerations and financial implications of any public employment. The viability of the department or the instrumentality of the project is also of equal concern for the State. The State works out the scheme taking into consideration the financial implications and the economic aspects. Can the court impose on the State a financial burden of this nature by insisting on regularization or permanence in employment, when those employed temporarily are not needed permanently or regularly? As an example, we can envisage a direction to give permanent employment to all those who are being temporarily or casually employed in a public sector undertaking. The burden may become so heavy by such a direction that the undertaking itself may collapse under its own weight. It is not as if this had not happened. So, the court ought not to impose a financial burden on the State by such directions, as such directions may turn counterproductive".*

(26). This Court is conscious of the fact that the claim set forth by the petitioners before this Court has been sought in pursuance of Article 14 as well as Article 16, wherein the facts become clearly distinguishable from the facts of Uma Devi's case (supra). The Supreme Court in ***Om Prakash vs.The State of West Bengal and Ors, in Civil Appeal No.420 of 2023 decided on***

19.05.2023, while discussing this very factual circumstance having discussed Uma Devi's case (supra) dealing with identical facts, as involved in the instant petition observed that non regularization into service of such employees would tantamount to violation of fundamental rights of equality before law and equality of opportunity in matters relating to employment under the State, as enshrined under Article 14 & 16(1) of the Constitution respectively.

(27). This Court is also conscious of legal position as enunciated through ***Union of India and Ors. vs. Ilmo Devi and Another bearing Civil Appeal No.5689-5690 of 2021 decided on 07.10.2021***, the powers of the Court under Article 226 of the Constitution of India does not enshrine to issue directions/mandamus to the State to sanction and create the posts as it is the sole prerogative of the Government, which cannot be asked to formulate a particular regularization policy.

(28). At the same time, it is to be borne in mind that public employment is a facet of right to equality envisaged under Article 16 of the Constitution. The State is although a model employer, its right to create posts and recruit people, therefore, emanates from the statutes or statutory rules and/or Rules framed under the provision appended to Article 309 of the Constitution of India, but it is obligatory on the State that the recruitment Rules are framed with a view to give equal opportunity to all its citizens and entitlement for being considered for recruitment to vacant posts, as has been observed in ***Principal Mehar Chand Polytechnic and Anr. Vs. Anu Lamba & Ors. (2006) 7 SCC 161.***

(29). It would be utmost importance in the prevailing scenario of unemployment and price escalation for maintaining not only one's life, but his/her family as a unit has become the most struggling tiresome part especially for rustic and by and large having minimal educational qualification and as such the Apex Court while considering the Uma Devi's case (supra) in ***Nihal Singh and Ors. vs. State of Punjab and Ors. vide Civil Appeal No. 635 of 2013***, held that it cannot became a licence for exploitation by the State and its instrumentalities while directing the State of Punjab to regularize the services of appellants by creating the necessary posts within a period of three months from the date of judgment with further direction to grant all the benefits of service attached to the post, which are similar in nature.

(30). In continuation thereof, subsequently, in another case, ***Amarkant Rai vs. State of Bihar and Ors., 2015 (3) SLR 658***, the Apex Court deviated from the settled law in Uma Devi's case (supra), wherein the daily wagers were in employment for more than 29 years and direction was issued to regularize his service.

(31). The Supreme Court of India in a three judges Bench decision in ***Prem Singh vs. State of Uttar Pradesh and Ors., 2019 (10) SCC 516*** also considered Uma Devi's case (supra) and directed to regularize the service of those employees, who have worked for 10 years or more alongwith all other benefits to which they became entitled and also for some of the employees therein, who have attained the age of superannuation, were held entitled to receive pension as if they have retired from the regular establishment as can be read from the relevant para 35 of this judgment.

> *"35. There are some of the employees who have not been regularized in spite of having rendered the services for 30-40 or more years whereas they have been superannuated. As they have worked in the work-charged establishment, not against any particular project, their services ought to have been regularized under the Government instructions and even as per the decision of this Court in Secretary, State of Karnataka & Ors. v. Uma Devi 2006 (4) SCC 1. This Court in the said decision has laid down that in case services have been rendered for more than ten years without the cover of the Court's order, as one time measure, the services be regularized of such employees. In the facts of the case, those employees who have worked for ten years or more should have been regularized. It would not be proper to regulate them for consideration of regularisation as others have been regularised, we direct that their services be treated as a regular one. However, it is made clear that they shall not be entitled to claiming any dues of difference in wages had they been continued in service regularly before attaining the age of superannuation. They shall be entitled to receive the pension as if they have retired from the regular establishment and the services rendered by them right from the day they entered the work-charged establishment shall be counted as qualifying service for purpose of pension."*

(32). In addition to the above, even principle of natural justice, too demand that the petitioners cannot be denied the benefit of regularization of services when their similarly placed employees have been granted the said benefit.

(33). Accordingly, the respondents are directed to consider the case of the petitioners for regularization of service in view of the policy dated 01.10.2003 as amended on 10.02.2004 issued by the Government of Haryana

and to pass necessary orders regularizing their services, within a period of *one month* from the date of receipt of certified copy of this order. The petitioners shall also be entitled to all the benefits of regularization and consequential relief to which they are eligible including the arrears of salary.

(34). This case is also being peculiar wherein Class-IV employees are forced to undergo multiple round of litigation for their claim to which they became eligible in the year 2003 and are fighting for their legal rights for two decades, this Court cannot close its eyes to the pain and sufferings and the harassment with which this strata of society has been dealt with, needs to be compensated, though cannot be done so by any means after such a long number of years, the respondent No.3 shall pay 6 % interest per annum on the arrears from the date it became due till the date of its realization to which the petitioners are found entitled on regularization into service.

(35). All miscellaneous applications also stand disposed of accordingly.

(36). The petition stands allowed in the aforesaid terms.

(Sandeep Moudgil)
Judge

19.10.2023
V.Vishal/Meenu

1. Whether speaking/reasoned? Yes/No
2. Whether reportable? Yes/No