No. 43/31/06-1GSI

From

The Chief Secretary to Govt. Haryana

To

1. All Head of Department ,Commissioners, Ambala,Hissar,Gurgaon.and Rohtak Divisios.
2. The Registrar,Punjab and Hayana High Court,Chandigarh.
3. All the Deputy Commissioner in Haryana State.

Dated Chandigarh,the 25th April, 2007

Subject:- Withdrawal of policies of regularization of services of adhoc/Contractual/ Daily-wage and part time workers issued in the year 1997, 1999, 2003 and 2004.

Sir/Madam

I am directed to invite your kind attention to subject noted above and to say that the Constitutional Bench of Hon,ble Supreme Court of India ,in the case of State of Karnatka v/s Uma Devi cited (2006) 4 SCC, has passed a land mark order on 10th April,2006 on the issue of regularization of services of temporarily / adhoc/Contractual/ Daily-wage and part time workers etc. Hon,ble Supreme Court in this judgment has inter-alia held that merely because an employee had continued under the cover of an order of the court , under ‘’ Litigious employment” or had been continued beyond the term of his appointment by the state or its instrumentalities , he would not be entitled to any right to be absorbed or made permanent in service merely on the strength of such continuous, if the original appointment was not made by following a due process of selection as envisaged by the relevant rule . Hon, ble Apex Court has further observed that it is not open to the court to prevent regular recruitment at the instance of temporary employees whose period of employment has come to an end or ad hoc employee s who by the very nature of their appointment do not acquire any right. The Judgment also clarifies that where regularization has already been made but is not sub-judice, it need not be re-opened based on the judgment , but there should be no further regularization of those not duly appointed by the constitutional scheme.

2. In view of the aforesaid judgment of Ho,ble Apex court Govt. has decided to withdraw forthwith the polices of regularization of services of adhoc/Contractual/ Daily-wage workers etc. issued through various notifications issued vide no. GSR 41/ Cons./Art./309/97, dated 17.6.1997, No. GSR. 101.Const./ Art. 309/99, dated 5.11.1999, No. GSR 24/Const./Art/309/2003, Dated 1.10.2003, and No. GSR 5/Cons.Art. 309/2004 dated 10.2.2004. A copy of the notification issued in this regard vide No. GSR 13/Const. /Art.309/2007, dated 13.4.2007 is sent herewith for your in formation and necessary action.

Yours faithfully,

Special Secretary General Administration

For Chief Secretary to Govt. Haryana