

From

The Chief Secretary to Government Haryana.

To

1. All Heads of Departments, Commissioners, Ambala, Hisar, Gurgaon and Rohtak Divisions.
2. The Registrar, Punjab and Haryana High Court, Chandigarh.
3. The Resident Commissioner, Haryana Bhawan, New Delhi.
4. All the Deputy Commissioners 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 years 1997, 1999, 2003 and 2004.

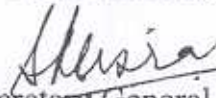
Sir/Madam,

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 Karnataka v/s Uma Devi cited in (2006) 4 SCC, has passed a landmark order on 10th April, 2006 on the issue of regularization of services of temporary/ adhoc, daily-wage and contract employees etc. Hon'ble Supreme Court in this Judgement 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 continuance, if the original appointment was not made by following a due process of selection as envisaged by the relevant rules. 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 employees who by the very nature of their appointment do not acquire any right. The Judgement also clarifies that **where regularization has already been made but is not sub-judice, it need not be re-opened based on the Judgement, but there should be no further regularization of those not duly appointed by the constitutional scheme.**

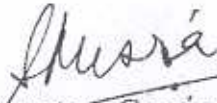
2. In view of the aforesaid judgement of Hon'ble Apex Court Government has decided to withdraw forthwith the policies of regularization of services of adhoc/ daily wager/contract workers etc. issued through various notifications issued vide No.G.S.R.41 /Const./Art./309/97, dated 17.6.1997, No.G.S.R.101 /Const./ Art.309/ 99, dated 5.11.1999, No.G.S.R.24/Const./Art.309/2003, dated 1.10.2003, and No.G.S.R.5/ Const./ Art.309/ 2004, dated 10.2.2004. A copy of the notification issued in this

regard vide No.G.S.R.13/ Const./Art.309/2007,dated 13.4.2007 is sent herewith for your information and necessary action.

Yours faithfully,


Special Secretary General Administration,
for Chief Secretary to Government Haryana.

A copy is forwarded to all the Financial Commissioners and Principal Secretaries/ Commissioners and Secretaries to Government Haryana for information and necessary action.


Special Secretary General Administration,
for Chief Secretary to Government Haryana

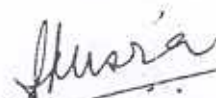
To

All the Financial Commissioners and Principal Secretaries/
Commissioners and Secretaries to Government Haryana.

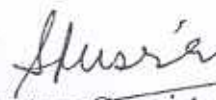
U.O.No. No.43/31/06-1GS1 Dated Chandigarh, the 25th April, 2007
Endst.No. No.43/31/06-1GS1 Dated Chandigarh, the 25th April, 2007

A copy is forwarded to the following for information:-

1. All the Managing Directors of all the Boards/ Corporations and Public Undertakings.
2. The Registrar, Maharishi Dayanand University, Rohtak, Kurukshetra University, Kurukshetra, Haryana Agriculture University, Hisar, Guru Jambheshwar University, Hisar, Ch.Devi Lal University, Sirsa and Bhagat Phool Singh Mahila Vishav Vidyalaya Khanpur, Sonapat.


Special Secretary General Administration,
for Chief Secretary to Government Haryana.

A copy is forwarded to Principal Secretary/Additional Principal Secretary I & II/ OSD-I & II/ Senior Special Private Secretary/ Senior Secretary/ Private Secretary to Chief Minister/ Deputy Chief Minister/ Ministers/ Chief Parliamentary Secretary/ Parliamentary Secretary for information.


Special Secretary General Administration,
for Chief Secretary to Government Haryana.

To

The Principal Secretary/Additional Principal Secretary I & II/ OSD-I & II/ Senior Special Private Secretary/ Senior Secretary/ Private Secretary to Chief Minister/ Deputy Chief Minister/ Ministers Chief Parliamentary Secretary/ Parliamentary Secretary.

U.O.No. No.43/31/06-1GS1 Dated Chandigarh, the 25th April, 2007

[Authorised English Translation]

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 :—

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.

भाग III

हरियाणा सरकार

सामान्य प्रशासन विभाग

(सामान्य सेवाएं)

अधिसूचना

दिनांक 13 अप्रैल, 2007

संख्या सा० का० नि० 13/संवि०/अनु० 309/2007.—हरियाणा सरकार, सामान्य प्रशासन विभाग (सामान्य सेवाएं), अधिसूचना संख्या 523-3जी०एस्०-70/2068, दिनांक 28 जनवरी, 1970 के खण्ड (6) के परन्तुक के साथ पठित, भारत के संविधान के अनुच्छेद 309 के परन्तुक द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, हरियाणा के राज्यपाल, इसके द्वारा तदर्थ/दैनिक वेतनभोगी/अनुबन्ध/अंशकालिक कर्मकारों इत्यादि की सेवाओं के नियमन के सम्बन्ध में जारी की गई निम्नलिखित अधिसूचनाओं को तुरन्त विखंडित करते हैं :—

1. संख्या सा० का० नि० 41/संवि०/अनु० 309/97, दिनांक 17 जून, 1997
2. संख्या सा० का० नि० 101/संवि०/अनु० 309/99, दिनांक 5 नवम्बर, 1999
3. संख्या सा० का० नि० 24/संवि०/अनु० 309/2003, दिनांक 1 अक्टूबर, 2003
4. संख्या सा० का० नि० 5/संवि०/अनु० 309/2004, दिनांक 10 फरवरी, 2004

यह अधिसूचना उन मामलों पर प्रतिकूल प्रभाव नहीं डालेगी जहां नियमन पहले किया गया है किन्तु न्यायाधीन नहीं हैं।

प्रेम प्रशान्त,

मुख्य सचिव, हरियाणा सरकार।