SL. No.	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGE'S ORDERS
			SPA/132/2023 Kamal Singh Bisht --Appellant **Versus** State of Uttarakhand & Others --Respondents *With* **SPA/133/2023** **SPA/134/2023** **Hon'ble Manoj Kumar Tiwari, A.C.J.** **Hon'ble Subhash Upadhyay, J.** None for the appellants. Mr. B.S. Parihar, Additional CSC, with Mr. M.S. Bisht, Brief Holder, for the State. Mr. Pankaj Chaturvedi, Advocate for Uttarakhand Jal Sansthan, through VC. (2) For the reasons indicated, delay condonation applications (IA/1/2023) are allowed. Delay in filing appeals is condoned. (3) Since common questions of fact and law are involved in these special appeals, therefore, these are being heard and decided together by this common judgment. However, for brevity, facts of SPA No. 132 of 2023 alone are being considered and discussed here. (4) Sri Kamal Singh Bisht (appellant herein) filed Writ Petition (S/S) No. 3436 of 2017 claiming regularisation on the post of Pump Attendant in Uttarakhand Jal Sansthan w.e.f. 1.11.2003 by contending that he was serving in the said capacity since 1.12.1989; he is educationally qualified for appointment as Pump Attendant; other similarly situate persons, including juniors, were regularised w.e.f. 1.11.2003, therefore he is also entitled for similar treatment. (5) Learned Single Judge, however,

dismissed the writ petition filed by appellant by holding that since services of writ petitioner (appellant herein) were regularised w.e.f. 28.9.2011 and he accepted the regularisation order without raising any protest, therefore, his claim for regularisation w.e.f. 2003, that too in a writ petition filed in 2017, cannot be entertained.

(6) This Court is not inclined to interfere with the impugned judgment. Admittedly, writ petition was filed by the appellant more than six years after accepting the regularisation order, which was passed in 2011. Moreover, in the writ petition, name of the junior, who allegedly was regularised w.e.f. 1.11.2003, is not indicated, therefore the claim staked by the appellant for regularisation from 2003 was without any basis.

(7) Even otherwise also, regularisation rules contemplate constitution of a regularisation committee for examining the eligibility and suitability of a person for regularisation and regularisation is ordered by the competent authority only on the recommendation of the regularisation committee. Since that exercise was not done qua the appellant in 2003, therefore, it was open for the appellant to approach a judicial forum in 2003 itself, if his name was wrongly ignored.

(8) Since services of the appellant were ultimately regularised in 2011 and appellant accepted his regularisation without raising any demur, therefore, the writ petition filed by him in 2017 claiming regularisation from 2003, was rightly dismissed by learned Single Judge. Thus there is no infirmity or illegality, whatsoever, in the impugned judgement, which may warrant interference. Accordingly, special appeals are dismissed.

(Subhash Upadhyay, J.) (Manoj Kumar Tiwari, A.C.J.)
6.11.2026

Pr PRABODH KUMAR
