

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CWP no.14994 of 1994(O&M)

Date of Decision :21.10.2015

Ram Piari

....Petitioner(s)

Versus

State of Haryana and others

...Respondent(s)

CORAM : HON'BLE MR.JUSTICE MAHESH GROVER

- 1)Whether reporters of local newspapers may be allowed to see the judgment?
- 2) To be referred to the Reporters or not?
- 3) Whether the judgment should be reported in the Digest?

Present : Ms. Abha Rathore, Advocate for the petitioner

Mr. Ashok S Chaudhary, Addl. AG, Haryana

MAHESH GROVER, J.

The petitioner makes a two fold prayer in this petition (i) that she is entitled to regular pay w.e.f 31.3.1993 i.e the date from which regularization was conferred upon her vide order Annexure P-7 (ii) that her services were ought to have regularized from 1989 when the services of at least four persons whose names were mentioned in para 4 of the petition were regularized.

The petitioner had been working as a contingent sweeper in the CID Training School Panchkula from March, 1980. Her services were regularized by virtue of Annexure P-7 w.e.f 31.3.1993 but no pay in this regard was given to her

till the date of passing of order of regularization.

Respondents have not specifically denied this fact but have stated that they have offered a sum of Rs.5,485.25 paise to the petitioner which was not accepted by her.

Learned counsel for the petitioner contends that this amount was declined because there was a shortfall and she was entitled to regular pay scale which was admissible to the other employees placed in the similar cadre.

Considering the facts into entirety, I am of the opinion that once the respondents had conferred regularization upon the petitioner and assigned the date of regularization they cannot deny regular pay scale from that date. Similarly they cannot deny all other consequential benefits which will accompany the passing of such an order. The prayer that the petitioner seems to be justified when there is no denial to this effect. Consequently, prayer is accepted. Respondents are directed to release regular pay scale w.e.f 31.3.1993 till the date of passing of order of regularization with interest at the rate of 9% per annum for the period from the date when it had become due till the date of payment.

In so far second prayer of the petitioner that she is entitled to regularization w.e.f 1989, the same has necessarily to be negated considering the fact that petitioner approached this Court in 1994 even though benefit was conferred upon her co-employees in 1989. The prayer in this regard is hit by delay and latches and thus declined.

Hence, instant petition being partially allowed is disposed of in
aforesaid terms.

October 21, 2015
rekha

(Mahesh Grover)
Judge