

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP no.2624 of 1995(O&M)

Date of Decision :21.10.2015

Darshna Devi

....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 : Mr. H.S.Gill, Sr. Advocate with

Mr.Sahil Thakur, Advocate for the petitioner

Mr. Ashok S Chaudhary, Addl. AG, Haryana

MAHESH GROVER, J.

The petitioner prays for regularization of her services. She was appointed as an Assistant Crafts Teacher w.e.f 1983. Her name was sponsored by Employment Exchange and she faced proper selection process, interview etc. She continued in service as per the details which are reflected in Annexure P-2.

Except for notional breaks which occurred, the petitioner continued to work with the respondents from 1983 till 1994 (particulars provided in Annexure P-2). The respondents issued instructions (Annexure P-3) dated

years of service. Since the petitioner had been in service since 1983 she submitted a representation for regularization of her services in accordance with the policy (Annexure P-3). In the meantime, some persons filed a writ petition with a similar prayer which was allowed by this Court. Consequent thereto services of the writ petitioners and also other persons who were similarly situated as petitioner were regularized by virtue of Annexures P-6 and P-7 but for some reasons petitioner was not granted regularization. Her representation went unheard. The reply to the petition indicates that she was not entitled to regularization as half of her consolidated pay was being paid by the Panchayat Samiti and there was no regular post against which petitioner could be adjusted. Rest of the factual matrix is not denied.

The plea that persons similarly situated were regularized was not denied except to say that there was no sanctioned post available. In the considered view of this Court the fact that the respondents were continuously taking work from the petitioner since 1983 they cannot deny regularization to her particularly when similarly situated persons were granted such a benefit. It is not the case of the petition that only the writ petitioners were accommodated by the respondents but other Assistant Crafts Teachers were also granted regularization. If Annexure P-3 is seen no justification for this has been given. Therefore, in the considered view of this Court the petitioner has been unnecessarily kept away from the benefit of regularization resulting in discrimination when similar benefit

was made admissible to the persons similarly situated. The State envisaged benefit of regularization to all incumbents who have completed 5 years of service. Besides, the petitioner has come through a regular channel of employment exchange and has faced the selection process as well. Since it is not a back door entry, respondents could hardly draw a distinction between the cases of those who were granted the benefit of regularization while denying the same to the petitioner. Hence, instant petition is accepted. Respondents are directed to regularize the services of the petitioner from the date when she was entitled in terms of policy of 1993 with all consequential benefits arising therefrom.

October 21, 2015
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(Mahesh Grover)
Judge