

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

C.W.P No. 3082 of 1995 (O&M)

Date of decision : May 13, 2015

Ram Chander,

..... Petitioner

v.

The State of Haryana and others,

..... Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. Arun Yadav, Advocate
for the petitioner.

Ms. Shruti Goel, AAG Haryana

Mr. Satyawan Ahlawat, Advocate
for respondent No.3.

- 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 ?**

Ajay Tewari, J (Oral)

The claim of the petitioner in this writ petition is that his case for regularization of his service should be considered from the date his junior Nanak Singh's case was so considered.

In the reply, the stand taken is that Nank Singh's case for regularization was considered in view of the writ petition filed by him. It is further pleaded that in the year 1990 the petitioner was transferred to Karnal Depot and as per the extant policy, he lost his seniority and was treated as a fresh employee.

Counsel for the petitioner has argued that the fact that services of Nanak Singh were regularized pursuant to the order of this Court would not dis-entitle the petitioner to claim that his case should have been considered when the case of his junior was admittedly considered. As regards the transfer, counsel for the petitioner has argued that on the date when Nanak Singh's case was considered, the petitioner had not been transferred.

It is not disputed that the respondents subsequently did regularize the services of the petitioner w.e.f 1.5.1992. However, their action in not considering the claim of the petitioner when the claim of his junior was considered on the premise that in the case of his junior, this Court had given a direction cannot suffice. Once the case of the junior was considered, it was incumbent upon the respondents to consider the case of the senior also. In the circumstances, this writ petition is allowed and the respondents are directed to consider the claim of the petitioner for regularization from the date his junior Nanak Singh's case was considered. Let necessary exercise be carried out within three months from the date of receipt of a certified copy of this order. In case the petitioner is found entitled for any relief, the same be granted within two months thereafter.

(AJAY TEWARI)
JUDGE

May 13, 2015
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